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MAMECESTRE:

BEING

CHAPTERS FROM THE EARLY RECORDED HISTORY OF THE BARONY; THE LORDSHIP OR MANOR; THE VILL, BOROUGH, OR TOWN,

OF

MANCHESTER.

EDITED BY
JOHN HARLAND, F.S.A.

VOL. I.

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UNIV. OF CALIFORNIA

MAMECESTRE.

CHAPTER I.

THE PLACE AND ITS NAME.

THE universal instinct to aggregation, which lies at the very root of all human society, exhibits remarkable differences in its development by the earlier races who held soil and rule in Britain. How various were the modes of grouping themselves, manifested by the sylvan Celt or Briton, the urban and camping Roman, the meadow-loving field-tilling Saxon, the seafaring coast-seeking Dane, the castle-building and city-dwelling Norman! The half-naked, woad-painted Briton, with the instincts of the savage, knowing no occupations save those of war and the chace, was essentially a Faun, a dweller of the woods. Within their shady mazes were alike his home, his temple, his fortress, and his park and chace. As the hunter demands more space than the husbandman, so the Briton was necessarily more segregate than the Saxon; while his social ties were looser, being those of the sept, clan or tribe. The "British cities" enumerated by Nennius would now be regarded as mere hamlets of the rudest habitations, of mud or clay-wattled cabins. When the disciplined Roman met in equal conflict the barbarian Briton, the issue was not long doubtful. So when the well-named Agricola — pioneer no less of the nascent agriculture than of the infant civilization of Lancashire — cut down the primeval forests on his line of northward march in that memorable summer of A.D. 79, he destroyed at one fell swoop hearth and altar, home

and fane, fort and stronghold, shelter and ambush, warren and chace; and left the homeless and desolated Briton either to retreat to more distant forest fastnesses, or to rear his rude hut in dreary isolation on the bare and shadeless plain — bereft at once of all that had theretofore made up his round of life.

It has been stated that the Romans usually adopted existing British forts and cities as the sites of their stations; but this is true only when those forts or places possessed that local character which the Roman troops invariably sought, — the presence of water in spring or stream, and the banks of one or more rivers to serve as part of the boundary fences of their camps. They particularly affected the delta or peninsula formed by the bend of a winding stream, or the neck of land within the fork or confluence of two rivers. Thus while the total destruction of the woods left no trace of any British fort or city on the site, there can be no doubt that the point where the Medlock falls into the Irwell, near what is still called Castle Field, would be a favourite spot for the Romans on which to raise their chief *castrum*; while the junction of the Irk with the Irwell at the other extremity of the Deansgate being a like situation, it is probable they there placed one of their *castra æstiva* or summer camps. Though it has been somewhat positively pronounced by more than one of our local historians that the Romans erected their *Mancunium* on the site of an older British fortress, — for which even a name has been found or manufactured, — there seem to us to be no genuine British remains to authorise the assumption.

What we now name Manchester appears, then, to have no sufficiently authentic origin farther back than the Roman station, which we know to have been garrisoned by an auxiliary body of troops to the Twentieth Roman legion, then stationed at Chester, — viz. the First Cohort (or Regiment) of Friesians, about seven hundred strong, who, though Romanised, were not strictly Romans. Indeed the old Friesic tongue is probably the nearest dialect to the early or Saxon English anywhere to be found. These Friesians not only garrisoned but colonised the locality. The savage and segregate

Britons in the northern parts of England, being scattered by the military and colonising Romans, found themselves, on the withdrawal of their conquerors, unable to resist the inroads of the Picts and Scots; so they invited over the Saxons,[1] who eventually routed the northern hordes, conquered their own hosts, and settled on and spread over the land. By their culture of the soil they made their social system everywhere practicable; for every Saxon "mark" had land enough for the sustenance of its dwellers. The social bonds of the family and the neighbourship; the mutual pledge and suretyship for each member of a *burh;* the tithing with its ten men or families, and the wapentake or hundred of families, — soon peopled the country with bodies of men, gathered together in folds, worths (streets or rows), hams (heims or homes), villages, and eventually in market towns. The incursions of the Scandinavian sea-rovers left a less marked and less extensive, though perhaps equally enduring, trace of their visitation and conquests. They kept mainly to the coast, with its river-mouths, havens and creeks. Hence the area of the "Dane-lagh," except for the brief reigns of Canute and his two successors, was limited; and they were rather the founders of many of our sea-ports than the rulers of our inland cities. Far otherwise was it with the Norman chiefs who won their broad acres by fighting under Earl William's standard at the Battle of Hastings. The care of each of these feudatory barons was to erect his castle in the midst of his barony or fee, while around it were speedily grouped not only his own feudal followers from Normandy, but the Saxon churls who still clung to the soil. Church and market soon enlarged the hamlet and village into the manorial town or borough. Such was the case with Manchester. The Saxons raised considerably the walls of the Roman fort to protect themselves against the Scots, and

[1] Such is the story as told chiefly by Saxon monks and chroniclers. Mr. Kemble is of opinion, that the Saxon entry into England was not that of an expedition or two, but a gradual settlement of colony after colony, till at length they outnumbered the Britons. Whichever story be correct, the Saxons held no rule in Britain till after the final departure of the Roman legions.

made their Manchester about Aldport. The Norman baron, eager for the chace, selected the neighbourhood of the Roman summer camp for his abode, and the Baron's Hull or Hill saw a fortified mansion rise on its soil; which eventually, with its neighbouring church and market, fixed Manchester's centre for ages near the old parish church and market-place, — shifting its locality from the banks of the Medlock to the vicinity of the Irk. The older town or (A. S.) "port" then took the name of Ald-port. Territorially, old Manchester was in the Roman consular province of Maxima Cæsariensis, and at the south-western border of the Saxon kingdom of Northumbria; being only a few miles north of the Mersey, the northern boundary of the kingdom of Mercia, which included Cheshire.

From these considerations of the localities, about a mile apart, —successively the Roman station and colony, the Saxon borough or town, and the Norman vill, manor and chief seat of the Barony,— let us turn to review briefly what is known of its ancient name or names. An original local name is, in all probability, the earliest literal record of the existence of the place itself. All original names have a twofold value, —*first*, in their significance, as indicating some local peculiarity of situation, surface or ownership, — as Hulton or Hilton, the Hill town, or town on the hill; Oldham, the old hamlet; Urmston, Ormes town, or Orme-East-town. But this significance is of course only shown in the language of the people giving the name; and therefore the name is, *secondly*, an indication of the nation or tribe of the original dwellers. But in the case of Manchester its original British name, if it ever had one, has been lost; and that of *Mancenion*, asserted so broadly by the Rev. John Whitaker, the first historian of Manchester, was wholly unknown to Leland and to Camden, the earliest antiquarian writers who refer to its name. Whitaker's sole authority,— the *Glossarium Antiquitatum Brittaniarum* of William Baxter, — does not bear out his assertions, and gives no earlier authority for the name; so that we cannot claim for the supposed name "Mancenion" a greater antiquity than the beginning of the eighteenth

century, the date of Baxter's learned but fanciful work. Baxter renders *Man-cenion*, "a place of skins or tents, *i.e.* a camp." But the Rev. John Davies, a recent writer with Celtic preferences, in his interesting Essay on *The Races of Lancashire*, declares that Baxter's secondary meaning of "Cenion," tents, is pure conjecture, and that it is scarcely possible to determine more than that the name is Celtic.

It was Baxter's boast that he had discovered and restored the names of many British cities and towns. As he gives no earlier authority, it is not unreasonable to suppose that (on the assumption of most Roman stations being named after pre-existing British forts, &c.) his procedure was to select from the Itineraries and *Notitia* a number of the names of Roman stations in Britain, and then, from their orthography and sound alone, to fit them to one or more Welsh words of somewhat similar form and sound. But it might have been expected from a man of his learning, that he would only have taken the radical portions of the Roman names, and have wholly disregarded a common terminal syllable, such as *-um*. The Romans had their *oppid-um*, their *municipi-um*, their *castr-um*, and so in Lancashire some of their *castra* were named *Cocci-um*, *Veratin-um*, *Coluni-um*, and *Mamuci-um* or *Mancuni-um*. In resolving what he supposed to be Roman approximations to the old Celtic names of places, why has Baxter taken this constant terminal *-um* into the account? Thus strained, he manufactures a seemingly British name for Manchester, by putting together *Man* and *cenion* from *Man* and *cunium*.[2] But of course this ideal name falls to the ground at once, if the real Roman name was not Mancunium, but *Manutium* or *Mamucium*. Such are the vagaries into which a linguistic hobby may lead a scholar. John Whitaker, who

[2] Compare this with what we know of the Roman station at Wroxeter, near Shrewsbury. The hill in the immediate neighbourhood still bears the British name of the *Wrekin*, from which was probably constructed the Roman name of *Uriconium*; but here the terminal *-ium* has no correlative sound in the British name; the latinising of which would be *Uricon-*, the *-ium* being added as required by the genius of the Latin tongue and by Roman euphony.

also had a strong Celtic bias, eagerly accepted Baxter's unauthorised etymology, and so perpetuated the figment as an established fact.

In the absence of all proof of "Mancenion" being an ancient name of the place, we need not further speculate on its so-called British name. Its Roman one, though it rests on better authority, is by no means clearly ascertained. The place is not once named by Cæsar or Tacitus, by the anonymous Geographer of Ravenna, by Ptolemy the Geographer, or in the Peutinger Table.[3] It occurs only in the *Itinera* of Antoninus and in those of the monk Richard of Cirencester. But of these two authorities the value is widely different. The great Itinerary of the Roman Empire, which goes under the name of the Emperor Antoninus Augustus, is supposed to have been compiled about A.D. 320: the most accurate edition is that of Wesseling. On the other hand it is difficult to say how much of the description of Britain attributed to Richard of Cirencester was really the work of a monk of Westminster; and how much of it we owe to the modern author, Bertram of Copenhagen, who states that he found the MS. This MS. has very strangely disappeared, — a circumstance which must cast suspicion on the so-called Itinerary of Richard. The variations of different MSS. as to the Roman name of Manchester may be grouped in three couples: Mancunium or Mancocunium; Manucium or Manutium; and Mamucium or Mamutium. That all three groups relate to a place in Lancashire is clear from the geographical position each holds in the *Itinera* in reference to Coccium, Cambodunum and Condate, wherever the disputed sites of these places may be. Wesseling's edition of Antonine's Itinerary gives "Mancunium" in the 10*th* Iter and "Mamucium" in the 2*nd* Iter. "Manucium" occurs in the 2*nd* Iter in a MS. of less reputation than that adopted by Wesseling. Richard has "Mancunium" in his 6*th* Iter and his 10*th* Iter; but both may

[3] The city of Mantio in the *Notitia* (followed by those of Alunna, Camulodono and Calunio), has by some been supposed to be another Roman name for Manchester.

have been copied from the older *Itinera* of Antonine. The best authority, then, reduces the names to two forms — Man-cunium and Mam-ucium. Now it is from the former that Celtic writers have constructed or adopted the supposed British name of Mancenion, on the ground that where the Romans found a place with an existing British name, they merely latinised that name. Of this practice there is doubtless abundant proof. But how, if the Roman name were really Mamucium? What becomes in that case of *man* a place, and *cenion* skins? *Mam, mam-mog,* is in Welsh (vide Lhuyd, &c.) "mother" and it has the same meaning in Gaelic as in Cambrian tongues. In Ireland several high mountains have the prefix *Mam-* as Mam Turk and Mam Trassna, both in Galway. In Derbyshire is Mam Tor; and other instances might be cited. As it is not clear, then, from the *Itinera* whether the Roman name had Mam- or Man- for its first syllable, we may seek further evidence in the name preserved by the successors of the Romans.

The Saxons and Angles in many instances merely Teutonised the Roman names of places, retaining the radical portion of the word, and adding to it "ceaster" as their form of the Latin "castrum" a camp or fortified place. What, then, was the Saxon name for Manchester? In the *Anglo-Saxon Chronicle* and in the oldest MS. copy of it known, we are told that in the year 923 King Edward (son and successor of Alfred) sent, from Thelwall near Warrington, a body of Mercian soldiers to take possession of "*Mame-ceaster* in North-humbria, and to repair and man it." This old MS. (in Corpus Christi College, Cambridge) Mr. Petrie considered the best basis for his reprint of the Chronicle in the *Monumenta Historica Britannica.* In collating it for publication with seven other MSS., Mr. Petrie found in one of them (the Cottonian MS. Otho, B. xi. 2) a variation in the name, which is therein spelled "Manige-ceaster." This MS. he regarded as of less authority than the former; and it is further observable that the Cambridge MS. is written mostly in the dialect of Mercia; the Cottonian MS. is of West-Saxon origin. This may

explain the different form of the name, and as Manchester was on the confines of Mercia, the Mercian form is likely to be the most correct. May not *Manige*, however, be a Saxon corruption of the British *Mammog?* On the other hand *Manige* in Anglo-Saxon has for primary meaning "Many," its secondary sense being "Much." Its Saxon significant name may therefore have been Much-Castle, or the Fort of Many. From these speculations, however, we return to the oldest authority, which gives "Mame-ceaster," and prevents the etymologist from ignoring the M form of the first syllable. And we cannot exclude the overwhelming weight of the documentary evidence, which proves that if the place ever bore the name of Manige-ceaster, it soon lost it, and that its written form (however pronounced) was "Mame-cestre" from Saxon and Norman times even to the end of the fifteenth century. A few instances might be found in which the word was written, or was supposed to be written, *Main-cestre*; but these are so rare if real, and altogether so doubtful, that we have no hesitation in using the form of "Mamecestre" as the name of the town, manor and barony during the greater part of its existence. Any British or Celtic name for Manchester could only extend to about A.D. 80, when the Roman rule being established here by Agricola, the Roman name would be substituted. This might probably endure for three hundred and sixty years or more, till supplanted by the Saxon name about the middle of the fifth century; and this name of Mame-ceaster or its more Norman form of Mame-cestre, appears to have retained its hold for more than a thousand years. The last mutation, giving "Manchester"[4] the modern form of

[4] It may be asked how *Mame-*, so long in use, became changed into *Man-*. We incline to think that it was the solution of a euphonic difficulty, combined with the universal tendency in speech to clip or shorten long words. The difficulty is that of pronouncing the *m* immediately before *ch* — *Mamch*; which any one who tries will at once experience. The getting rid of one or more syllables in a name, turning Brighthelmstone into Brighton, Uttoxeter into Uxeter, Cholmondeley into Chumley, and Majoribanks into Marchbanks, has made, in the vulgar pronunciation of Manchester, a word of two syllables only, as Manch'ter, like Lei'ster, Glo'ster, Wor'ster, &c.

name it still bears, is of not more than four centuries' duration. Enough has been urged to refute the notion of the ancient name being Mancenion; to suggest as to its first syllable at least an equal claim to consideration for the form *"Mam"* with *"Man"* or *"Maen"*(which latter, meaning stone or rock, was Camden's supposition); and enough to justify the form preferred for the title of this work, as agreeing with almost every document now printed in its pages.

The latter part of this compound word, *Mam-* or *Man-chester,* will give little trouble. It is the Saxon form (*ceaster*) of the Roman *Castrum,* a fortified military station or camp; the *c* being pronounced *ch,* as in ceorl, pronounced churl, and Ceadde, *i.e.* Chad, a Saxon saint. The various forms which this common termination (always denoting the site of a Roman station) assumes, must not tempt us aside from our particular subject. Yet we find its form of pronunciation vary in different parts of England. Exancestre has become Exeter; while in some instances the same, or a similar local name, has different forms in different localities, as in Lancaster in this county, and Lanchester in Durham; in Manchester itself, and Mancester or Manceter in Warwickshire. One thing seems probable, that over a considerable part of the northern counties the harder form of *caster* prevails. Thus we have Tadcaster and Doncaster in Yorkshire, and Lancaster in the north of this county; which is softened into *chester* south of the Ribble, as Ribchester, Manchester. Can it be that the Scandinavians have left the impress of their presence in the harder sound? But we must quit the subject.

While denying the authenticity of any extant British name for Manchester, it must not be supposed that the existence of Britons or Celts in the locality is called in question. They have written the indelible evidence of their ancient possession of the district in the names of its rivers and streams. Of the three rivers or larger streams which water Manchester, the Rev. John Davies thus writes: — The IRWELL, from *Ir* (Welsh), fresh, vigorous; and *Gwili* (Welsh), a name for river, as the Gwili in Carmarthenshire;

properly that which turns or winds, — a winding stream.[5] In composition, "gwili" loses the initial G. The IRK, from *Iwrch* (Welsh), the roebuck, probably from bounding along a hill course. Llhuyd, in his *Adversaria*, says there were many streams so called in Wales. The MEDLOCK, from *Med* (Welsh), complete, full; and *llwch* (*Gael.* loch), lake or pool. As to the smaller streams, the CORNBROOK is from *Cor* (Welsh), narrow, and *aun* (Welsh), a contraction of *avon*, a river; *i.e. cor-aun*, the narrow stream. Whitaker says that the TIB is the same with Teivi, Tavy, Towey, Tav, Dove, Dee, &c., meaning simply the water or stream.

[5] An Anglo-Saxon etymology has been suggested for this river, viz., *Ere-well*, the "hoar or white spring." But it is more in consonance with probability that the three chief streams of Manchester should have names in the same language. The suggestion of a wag, that for Irk we should read *Ink*, will scarcely be endorsed by the antiquary, who knows that in the olden time it was a fair, clear trout stream; and that even the existence on its banks of the Walke- or fulling-mill in the Walkers' Croft (near its confluence with the Irwell), by the discharge of its unctuous refuse into the river, only served to fatten and make more dainty and luscious the eels so highly relished at the table of the Warden and Fellows!

CHAPTER II.

BEFORE THE CONQUEST.

From what has been already said respecting the supposed British appellation and the Roman and Saxon names of Manchester, it will be obvious that the recorded evidence of the place's existence prior to the Conquest is somewhat slight. For instance, though there are ample proofs that here was a Roman *Castrum*, and even inscribed stones are not wanting to tell us that in all probability the garrison consisted mainly for a long period of the First Cohort of Friesians, being an auxiliary body to the Twentieth Legion "Valiant and Victorious," which so long occupied Chester, — still no stone has been found with any Roman form of the name of Manchester upon it. This fact must exclude all these interesting relics of the Roman rule amongst us from further notice in the present work. Coming down, then, to later times under Saxon or Anglian rule, we find Mamecestre twice named.[6] The first time in chronological order occurs in an old Welsh Chronicle, which is repeated in the apocryphal rhyming story of a monk of a much later age. Humphrey Llhuyd thus quotes, as is supposed, this old Welsh Chronicle: —

About A.D. 689 Ivor and Henyr, sons of the daughter of Cadwallader,

[6] In Baines's *Lancashire* (vol. ii. p. 167) is a passage stating that "in A.D. 620 Edwin, King of Northumbria, crossing the ridge of mountains which forms the boundary of Yorkshire and Lancashire, entered the parish of Manchester, and permanently reduced the town under the dominion of the Saxons." For this statement, the authority quoted is "Nennius, p. 117." But the pages of this chronicler have been searched in vain; nor can any such statement be found in Bede, who most largely chronicles the events in the life of this king. No such fact appears in the *Saxon Chronicle*, and we can only give the statement as we find it, without attaching any importance to it.

are said to have landed from Ireland, and, with the assistance of two kings of Wales, to have wasted the province of Chester, and to have demanded of the Saxon kings the countries from which they had wrongfully expelled their parents; but they experienced two sanguinary defeats from the Saxons, commanded by Ina, King of Wessex. After this (adds the chronicle quoted by Llhuyd) Ina departed himself, with Adelard his cousen, to Queen Ethelberga, being then at Mamecestre; and [both] continued there almost three moneths. — (Ormerod's *Cheshire*, vol. i. Introd. p. xxv.)

In the *Rhyming Chronicle* of Robert Mannyng (often called Robert de Brunne, from his holding a canonry in the Priory of Black Canons at Brunne or Bourne, in Lincolnshire), produced about 1300, and apparently a paraphrase from a French Chronicle written by Peter Langtoft, a monk of Bridlington, Yorkshire, who lived not long before Mannyng, — we have the following metrical version of the facts already cited by Humphrey Llhuyd: —

The Englis kynges turned: þei mot do nomore,
Bot soiorned þam a while in rest a Bangore,
Þat ilk a Kyng of reame sud mak him all redie
At þe Paske afte þe Kyng Ine gart trie
Home for to wend to child ꝙ to wife
To visite ther londes, to solace þer life.
Ine, Kyng of West sex, for his wife sent
Unto Malmcestre; þe quene till him went.

In modern English —

The English kings turned: they could do no more
But sojourned them awhile, in rest, at Bangor;
So that each King of realm should make him all ready,
At the Easter, after King Ina would tarry,
Homeward to go, to child and to wife,
To visit their lands and solace their life.
Ina, King of Wessex, for his wife sent
Unto Mamecestre: the Queen to him went.

Of this story no corroboration is afforded by the *Anglo-Saxon Chronicle,* which, however, has but a few meagre notices of Ina. It is useless speculating on these old rhyming chronicles, which are full of fabulous stories. We are content to print the passage,

which must be taken for what it is worth. On better authority, however, is there record of a later event, — the rebuilding and fortifying of Mamecestre, about a century and a half before the Norman Conquest. The *Anglo-Saxon Chronicle*, in the *Monumenta Historica Britannica*, is printed [to A.D. 955] from an ancient MS., the oldest known, in Corpus Christi College, Cambridge, having been carefully collated with six other MSS. (marked B to G) and the variations duly noted. The following is the passage in the original, with the notes marking the various readings of the several MSS. At that period the year commenced on Christmas Day: —

An. DCCCC.XXIII. — [28]Þep on [29]þýrum ȝeare fóp Eadpeapd cýniȝ miþ [30]rierde. on uran hæprerte. to [31]Delpæle· anð het ȝeþýpcan þa [32]burȝ· anð ȝerettan anð ȝemannian· anð het oðre [33]rierð· eac of [34]Dierena þeode· þa hpile þe he þær ræte. ȝeparan [35]Dame-ceartep on [36]Nopð-hýmbrum· anð hie ȝebetan anð ȝemannian.' [37][Þep forðferde Plegemunð arcebirceop. [38]Þóp Regnolð [39]cýniȝ [40]ȝepan [41]Eoforpic.] — (*Monum. Hist. Brit.* p. 381.)

[NOTES TO THE ABOVE.]

[28] not in B. C. D. E. F. [29] þýrrum G. [30] rýrde G. [31] Ðælpæle G. [32] burh G. [33] rýrð G. [34] Ðýrcna G. [35] Ðamiȝe- G. [36] Norð-hýmbran G. [37] [Inserted in A.] [38] D. E. F. [39] cýnȝ E. cinȝ F. [40] ȝepann F. [41] Eoferpic E. Euorpic F.

A. 923. In this year, after harvest, King Edward went with his forces to Thelwall, and commanded the burh to be built, and occupied, and manned; and commanded another force, also of Mercians, the while that he sate there, to take possession of Manchester in North-humbria, and repair and man it. This year died Archbishop Plegemund. This year King Regnold won York. — (*Monum. Hist. Brit.* p. 381.)

923. This year went King Edward with an army late in the harvest to Thelwall, and ordered the borough to be repaired and inhabited and manned. And he ordered another army, also from the population of Mercia, the while he sat there, to go to Manchester, in Northumbria, to repair and to man it. — (Baines's *Lancashire*, vol. I. p. 52).[7]

[7] Florence of Worcester states that in the autumn season of the year 920, the most unvanquished King Edward proceeded to Thelwall, and there built a city, and for its protection left certain of the bravest of his army. He sent also a force of Mercians into Northumberland; that they might restore the city of *Mamecester*, and place

A second translation has been given, because the different terms chosen may make the facts more clear. On the whole preferring the translation in the *Monumenta*, that in Baines appears more verbally correct in one place. The Saxon "on ufan hærfest" is literally "in late harvest," and not "after harvest." The king who thus restored Mamecestre, after its destruction by the Danes, was Edward the Elder, the son of the great Alfred, and the brother of Æthelfleda, "Lady of the Mercians," on whose death in 922 (about a year before his repairs of Thelwall and Mamecestre) all the inhabitants of Mercia, both Danish and English, submitted to Edward. These two "worthy scions of a worthy sire" were the greatest builders and fortifiers of their age.

The long rule of the Saxons left an impress on the people and the places of their occupations, which far surpassed that of the Romans in Britain. The Normans, while they seized the chief places of honour and profit, and to a very great extent monopolised the manors, failed to suppress the laws or the language of their Saxon subjects. The laws of Ina or Ine, with those of Alfred and other Saxon lawgivers, were maintained, with but slight modifications, for centuries after the Conquest; and to these old Saxon laws we must still look if we would trace the true source of much of our common law. While the Britons gave permanent names to our mountains and rivers, our hills and streams, the Saxons gave a significant and characteristic appellation to every city and town, vill and hamlet, fold and homestead, to every wood and plain, field and meadow, and indeed to most of the smaller streams — the brooks and rivulets. If we examine the terminal syllables of local names in and around the manor, and within the old parish of Manchester, we find them nearly all Saxon. *Ton*, from the Anglo-Saxon *tún*, is perhaps the most common; there

brave soldiers therein. Simeon of Durham, who in this part of his Chronicle chiefly follows Florence of Worcester, says that Edward repaired *Mameceaster* beyond the river of Mercia [the Mersey], accounted as then in the south end of Northumberland, and he built a town, of ancient writers called Thilwall, near to the same river of Mercia, and placed therein a garrison of soldiers.

being two Chorltons (the cheorl's town or dwelling), Withington, Pendleton, Barton, Swinton, Maunton or Monton, Winton, Burghton or Broughton, Moston, Foxdenton, three Heatons, Newton, Middleton, Pilkington, Castleton, Gorton, Denton, Chaderton, Clifton, Houghton and Westhoughton, three Hultons, &c. Of *bury*, from the Anglo-Saxon *burh* or *byrig*, are Bury, Didsbury, and Pendlebury. Of *wick*, from the Anglo-Saxon *wic*, a village, are Atherswick now Ardwick, Gotherswick, (? Bexwick or Beswick,) &c. Prestwich is only a softer form of this termination. Of *ham*, *i.e.* hamlet, are Cheetham, Oldham, Irwellham now Irlam's, Reced-ham now Rochdale. Of *holme* or *hulme*, a low flat, we have two Hulmes, Rusholme, Kirkmanshulme, and Levenshulme. Of *ley*, a pasture, are Workedley now Worsley, Blakeley, &c. Of *hey*, a cleared inclosure, Harper's- now Harpurhey, Greenheys, &c. Of *worth*, a street, row, or village of one row or street, Failsworth, Butterworth, &c. Of *ford*, a passage over a river bed, we have Salford, Trafford, Stretford, Longford, and Bradford. Of *salle* or *sale*, a hall or mansion, are Sale (Cheshire), Ordsal, Kersal, Curmesale now Crumpsall, perhaps Salford, &c. Of *shaw*, a small wood, are Audenshaw, Openshaw, &c. Of *dene*, a valley, are Drylsdene now Droylsden, Deane near Bolton, and as a prefix Denton, Fox Denton, &c. Of *edge*, Brunedge and Edgecroft, now Burnage and Agecroft. The few local names that do not come into these lists (which might be much extended) are mostly of Saxon character. Of such are Ancotes, Redditch now Reddish, Radcliffe, Whitfield, Whitacres, Heywood, &c. Several personal names of Saxon origin lie concealed in these local names. Thus of the two forms of *Ceadde* and *Cedde* (pronounced Chad and Ched), we have Chat Moss, Chadderton, Chadkirk, and perhaps Cheetham and Cheetwood. Ather's-wick, Didde's- or Ditte's-bury, Dryle's-den, Bex- or Beck's-wick, Gothers'-wick, Pilking-ton, Leven's-hulme, Aldwyn's-shaw (Audenshaw), Ord's or Worde's-sal, Orm's-est-ton (Urmston), Curme's-sale (Crumpsall), are instances in the immediate neighbourhood. As to small streams, — sikes or ditches, rindles or rivulets, brooks,

&c., — it may suffice to name the Red or Reedy ditch (Red-dish), the Moss-ditch, the Gore-brook, Cringle-brook, Slade-brook, the Hartwell-sike, the Grise-brook, Bradley-brook, the Muchel- or Mickle-ditch, &c. As to Saxon names for varieties of land surface and division, natural and artificial, the map of Lancashire, and especially that of the hundred of Salford, abounds with hulls, lowes, brows, shaws, holts, halghes, felds, meads, crofts, cloughs, rakes, acres, furlongs, rigs (ridges), falls, intakes, doles, laches or leaches, &c. In this indelible mode have the Saxons stamped upon the face of the land, and upon the speech, habits, and manners of the people, the broad characteristics of that old Teutonic race which now holds a dominion wider than any other in the world's history. To dwell on these broad unwritten records would lead us from our stricter limits, and we must therefore pass to the next "litera scripta," exhibiting the condition of Manchester in Saxon times; and that is to be found in the Norman survey of the kingdom named the Domesday Boc, so far as it records anything which existed in the time of Edward the Confessor, who reigned from June 1041 to the 5th January 1066, and who was regarded by the Conqueror as the last Saxon King of England; Harold, who only held the crown nine months, being by the Normans deemed a usurper. But as this survey is in fact a Norman document, it will be more convenient to treat of both its Saxon and its Norman periods under the same head. Substantially, however, the only part of the hundred of Salford that was held in his own hand by King Edward the Confessor was Radcliffe; but he was the superior lord of all the immediate occupants of land within the hundred.

CHAPTER III.

NORMAN TIMES.—DOMESDAY.

THE Norman Survey of England, as embodied in the Domesday Book, is the first record relating to the hundred or wapentake of Salford, which hundred includes in its soil the manor and the greater part of the barony of Manchester. The "Dom-boc" includes some particulars as to the hundred in the time of King Edward the Confessor, who reigned from A.D. 1041 to the 5th January 1066; as well as the state of the hundred at the time of the Norman Survey, 1080-1086; and it may be well to explain the circumstances under which this great survey and valuation of the lands of England was made. The *Saxon Chronicle* tells us that

After the Synod, held in London in A.D. 1075, "the king [William I.] held a large meeting and very deep consultation with the council, about this land; how it was occupied, and by what sort of men. Then sent he his men over all England into each shire; commissioning them to find out—How many hundreds of hides were in the shire, what lands the king himself had, and what stock upon the land; or what dues he ought to have by the year from the shire. Also they were to record in writing how much land his archbishops had, and his diocesan bishops, and his abbots, and his earls; what or how each man had, who was an occupier in England, either in land or stock, and how much money it was worth. So very narrowly, indeed, did he commission them to trace it out, that there was not one single hide, nor a yard of land; nay, moreover,—(it is shameful to tell, though he thought it no shame to do it)—not even an ox, nor a cow, nor a swine, was there left, that was not set down in his writ. And all the recorded particulars were afterwards brought to him."

Kelham, in his *Domesday Book Illustrated*, states that the incom-

parable record of Domesday was begun, by order of William the Conqueror, in the year 1080 and of his reign the thirteenth (according to the Red Book of the Exchequer) and completed (according to an entry at the end of the second volume of the Survey) in the year 1086, and the twentieth of his reign. Commissioners, generally Normans of rank and learning, were sent into every county, and juries summoned and impannelled in each hundred, out of all orders of freemen, from barons down to the lowest farmers, to give in upon oath to the commissioners, by verdict or presentment, due information, for the faithful and impartial execution of it.

The order generally observed in writing the survey is to set down in the first place at the head of every county the king's name, "Rex Willielmus," and then a list of the bishops, religious houses, churches, and great men, according to their rank, that held of the king in capite, in that county; likewise of his thanes, ministers and servants. In some counties the cities and capital boroughs are taken notice of before the list of the great tenants is entered, with the particular laws or customs which prevailed in each of them; and in others they are inserted promiscuously.

After the lists of the tenants, the manors and possessions themselves which belong to the king, and also to each owner throughout the whole county, whether they lie in the same or different hundreds, are collected together, and minutely noted, with their under-tenants. The king's demesnes, under the title "Terra Regis," always stand first, as "Rex Willelmus tenet [or, habet]" &c. Then the lands which belong to some bishop, religious house or great lord, as "Terra Archiepi," &c.

The description is generally in the form of a series of answers to the following questions: — How many hides, or carucates, the land is gelded, or taxed at? Whose it was in the time of King Edward [the Confessor, 1041-1066]? Who is the present owner, and who are the sub-tenants? What and how much arable land, meadow, pasture and wood is there? How much in demesne, how much in tenancy, and what number of ploughs will it keep?

What mills and fisheries; how many freemen, socmen, co-liberti, cotarii, bordarii, radmanni, radchenistres, villani, maid-servants and bondmen[8] are there? What churches are there, and how many priests or parsons? What customary rents, presentations and services are to be paid and rendered out of the lands? What has been added to the manor, what withheld from it, and by whom? What land is waste? What was the whole let for in the time of King Edward? What is the net rent, whether it is rented too high, or whether it may be improved?

The whole number of tenants in capite (besides bishops, abbots, priors and churchmen, and the king's thanes, eleemosynaries, ministers and servants) who held all the lands in England of the Conqueror, was about four hundred and twenty; and all others that had any estates, held of the great tenants by mesne tenure; and each of these had a few socmen and an infinite number of

[8] *Freemen* or freeholders were those who held by free or military tenure, as distinguished from those who held by base or servile tenure. *Socmen* (from *Soca*, a soke, privilege, liberty or immunity) the occupiers of lands free from certain named services and other burdens. The Drenches or Drenges held their lands (manors or berewicks) by free soccage, or in Anglo-Norman "frank-ferme," the services of which were not only certain, but honourable. *Co-liberti* were tenants in soccage, and particularly such villeins as were manumitted or made freemen. They were of middle condition, between freemen and servants. *Cotarii* or cottagers were the customary tenants of cottages, *i.e.* small houses, without any land belonging to them, held in bondage by the will of the court or manor. They were usually *native*, or born serfs. Among other services they had to mow the lord's meadow, to bring fuel and building timber to the lord's hall or mansion house; to plough, harrow and reap the lord's corn, and bring it to his barn, &c. *Bordarii* or bordars were a similar class of small, customary, unfree, cottage tenants; bound to supply the lord with poultry and eggs, and other small provisions for his *board* or entertainment. *Radmanni* and *Radchenistres*, *i.e.* radmans and radknights (a kind of socmen, but some less free than others) were feudal vassals, attendant on the lord as his guard; their more modern name being Retainers. *Villani*, villeins, were so called from *villa* a country farm, whereat they were dependent to do service. They were unfree, registered as of the soil, and bound to till the lord's lands; holding by the base tenure called villenage. So servile was their condition that they were usually sold and transferred with the farm to which they belonged. *Maid-servants*, bondwomen, or *neifs* (Fr. *naif*, *i.e.* nativa), were also among the *nativi*, or born serfs. Bondmen, *bondi*, were those who entered serfhood by a bond of agreement; or bound themselves to serve, by covenant.

men of slavish condition, called servi, villani, bordarii and cotarii [serfs, villeins, bordars and cottagers], under them.

In the Domesday Survey the name of Lancashire does not once occur; but what is now known as South Lancashire, including however Leyland and Blackburn, is surveyed under Cheshire, by the title of "Inter Ripam et Mersha," that is, "Lands between Ribble and Mersey." The northern part of the county (Amounderness, and Lonsdale north and south) is comprehended in the survey of Yorkshire. For the purposes of the present work it will suffice to copy from the printed version of Domesday (with one slight addition), that portion only which relates to the hundred of Salford.[9] We may premise, however, that at the beginning of the South Lancashire record, in place of a list of tenants under the king in capite, is an entry of which the following is a translation: "King William holds all that land between the Ribble and Mersey which Roger of Poictou held." In other words, William the Conqueror, at the time of the survey, held all the lands in South Lancashire, previously granted by himself to Roger of Poictou.[10]

Rex . E . tenuit *SALFORD* . Ibi . III . hidæ. *IN SALFORD HVND.* 7 XII . caruc . træ Wastæ . 7 Foresta . III . leuu lg̃ . 7 tntd lat.

[9] It is remarkable that of the six hundreds into which Lancashire south of the Ribble was divided at the time of the Domesday Survey, Salford is perhaps the only one which retains its ancient area unchanged; those of Newton and Warrington being absorbed into West Derby, and those of Leyland and Blackburn undergoing some change.

[10] Roger de Poictou was the third son of Roger de Montgomery, Earl of Arundel and Shrewsbury (who led the centre at the famous battle of Hastings), and was so called because he married a Poictevin lady, Almodes, Countess de la Marche. He is said to have possessed three hundred and ninety-eight manors; but he lost much of his Lancashire possessions by his defection from the king before the compilation of Domesday. The honour of Lancaster was restored to him in the reign of William II.; but having rebelled against Henry I., and taken part with the king's brother Robert Duke of Normandy, he was deprived of all his estates, and banished in 1101. From that time the honour of Lancaster remained in the Crown till it was bestowed on Randle surnamed de Bricasard and also de Meschines, third Earl of Chester.

7 ibi plures haiæ 7 aira accipitris. [ad Salford.
Radecliue teneƀ rex . E . p ⊡ . Ibi . I . hida . 7 alia hiđ ptineñ
Æccła S' MARIE . 7 æccła S' Michaeł teneƀ in Mamecestre.
unā caruc træ . qietā ab oīmi cśuetuđ pt geld.
Ad hoc ⊡ uel *HVND* ptineƀ . XXI . bereuuich . teneƀ
totiđ taini p totiđ Maner . In quibȝ eraN . XI . hidæ 7 dimiđ.
7 X . caruc træ 7 dimiđ.
Siluæ ibi . IX . leuu 7 dim lg̃ . 7 V . leuu 7 una q̃rent lat.
Vn9 eoȝ Gamel tenen' . II . hiđ in Recedhā . habeƀ suas cśue
tudines qietas . p̃ter . VI . has . Furtū . Heinfare . Forestel.
Pacē| infractā . tminū fractū ap̃posito stabilitū . pugnā
post sacrām̃tū factū remanentē . H̄ emdaƀ . XL . soliđ.
Aliquæ harū trarū eraN qietæ ab oīmi cśuetuđ p̃t geld.
7 aliqtæ a geldo suN qietæ.
Toť ⊡ Salford cū *HVND* reddeƀ . XXX.VII . liƀ 7 IIII . soł.
Modo sunt in ⊡ in dn̄io . II . cař . 7 VIII . serui . 7 II . uiłł cū . I . car.
Valet . C . soliđ hoc dn̄ium.
De hac tra huj9 ⊡ ten milites dono Rogerij pictau.
Nigellus . III . hiđ . 7 dimiđ caruc træ . Warin9 . II . car . træ.
7 alt Warin9 . I . caruc 7 dimiđ . Goisfrid9 . I . caruc træ . Gamel
.II . car træ . In his sunt . III . taini . 7 IX. bord'. XXX . uiłłi 7 pƀr 7 X.
serui . Int oīms hn̄t . XXII . car . Valet . VII . liƀ.

IN LAILAND HVND.

. . . . . .

Hōēs huj9 ⊡ 7 de Salford n̄ opabanꝰ p cśuetuđ ad aulā regis.
neq; metebaN in Augusto . Tantm . I . haiā in silua facieƀ.
7 habeƀ sanguinis forisfacturā . 7 feminæ passæ uiolent.
De alijs cśuetudinibȝ alioȝ supioȝ Manerioȝ eraN cśortes.

IN SALFORD HUNDRED.

King Edward [the Confessor] held Salford. There [are] three hides.[11] And twelve carves[12] of land waste. And forest three miles long, and the same broad. And there [are] many hays[13] and an aëry of hawks.

King Edward held Radecliue (Radcliffe) for a manor. There [is] one hide, and another hide belonging to Salford.

The church of St. Mary and the church of St. Michael held in Mamecestre one carve of land, free from all customs save [? Dane] geld.[14]

To this manor or hundred [of Salford] there belonged twenty-one berewicks[15] which were held by as many thanes, for [or as] so many manors. In which there were eleven hides and a half, and ten carves and a half of land. The woods there are nine miles and a half long and five miles and one quarenten [furlong] broad.

One of these [thanes] Gamel, holding two hides in Recedham (Rochdale), had them free from all customs[16] save these six: Theft, Heinfare,[17] Forestel,[18] Breach of the king's peace, Destroying [or removing] a

[11] There is a studied brevity in the compilation of this record of survey. As it notices the state of the land at two distinct periods — one in Saxon, the other in Norman times — it might be expected that the difference would always be marked by the tenses of the verbs used; but in many places the verb is altogether omitted; and the verbs placed in brackets are only inserted on supposition — *is* or *was*, *are* or *were*, being left to conjecture.

[12] We prefer this really English name to the Latin *carucate*. Both mean a "plough-land."

[13] Hays. ? Deer-stands; railed or hedged inclosures in the forest.

[14] The Dane-geld was a tax originating out of the practice of buying off the Danish invaders by large sums of money. It was first of one Saxon shilling, afterwards of 2*s*. (as at the time of the survey) laid upon every hide of land in the kingdom. Exclusive of houses in towns (which were also rated) there were 243,600 hides of arable land in the kingdom; so that the tax would amount at 2*s*. the hide to 24,360*l*. Saxon. Dane-geld was first levied about the year 991, and continued for its original purpose till the reign of Edward the Confessor; but in course of time, as in the Conqueror's reign, it seems to have been applied to the private purposes of the monarch.

[15] Berewicks were villages or hamlets belonging to a manor, of which sometimes mesne manors were made. It is impossible now to identify these berewicks.

[16] Customs here mean the customary dues or payments.

[17] *Heinfare*, *q.d.* Hind-departing, was a forfeiture to the lord, for flight for murder, for killing his servant or hind, or for inveigling him away.

[18] *Forestel*, *i. e.* to place before or steal before another, was the assaulting or obstructing of any person on the king's highway.

boundary firmly placed, Remaining behind after oath taken to fight.[19] For these [offences] the amends [or forfeitures] were forty shillings. Others of these lands were free from all customs save [Dane] geld, and are now partly free from [Dane] geld[20].

The whole manor of Salford, with the hundred, paid [as rent] thirty-seven pounds four shillings. There are now in the manor, in the demesne two ploughs and eight serfs [servi], and two villeins [villani] with one plough.[21] This demesne is worth one hundred shillings.

The land of this manor is held by the knights, of the gift of Roger de Poictou. *Nigel* [has] three hides and half a carve of land. *Warin* two carves of land. And another *Warin* one carve and a half. *Goisfrid* one carve of land. *Gamel* two carves of land. In these [lands] there are three thanes and thirty villeins, and nine bordars [or cottagers: *bordarii*] and a priest, and ten serfs [*servi*]. Among them all they have twenty-two ploughs. It is worth seven pounds.

[The following is placed under the survey of Leyland hundred.]

The men of this manor [Leyland] and of Salford did not work by custom at the hall [or manor-house] of the king; nor did they reap in August. They only made one hay in the wood. And they had [or were subject to] the forfeitures for bloodshed, and for the violation of women.

[19] We have preferred rendering this literally. The Rev. William Bawdwen, who translated Domesday, renders it "desertion after enlisting;" but we think this use of modern terms, sufficiently significant of modern usage, hardly correct as regards offences against Saxon or Norman law eight centuries ago. The then mode of obtaining soldiers was more like impressment or conscription than enlistment.

[20] This is translated by the Rev. W. Bawdwen (see Baines's *Lancashire*, vol. i. p. 105): "The rest of these lands were free from all customs except danegeld, and they are partly free from danegeld."

[21] Care is required in the translation of the Domesday record to discriminate between *caruca* a plough, and *carucata* a carve or plough-land. Both words are therein abbreviated, and although the usual form is *car.* for *caruca*, and *caruc.* for *carucata*, this is not always the case; and sometimes both are written by the first syllable only *car.* But the measure of land has usually the word *terræ* following it; and even where this is not the case, the nature and order of the commissioners' inquiries will prevent the reader from falling into error; for one of the questions being "How much in demesne, how much in tenancy, and what number of *ploughs* will it keep?" it is a safe rule, when the abbreviation "car." occurs in a record of the survey of demesne lands, to translate it "ploughs."

They were sharers in [or in like condition with respect to] the other customs of other superior manors.[22]

It thus appears that in the whole hundred of Salford only four places are named in Domesday, — Manchester, Salford, Radcliffe and Rochdale. But this is the less remarkable when it is borne in mind that the same survey designates the extent of the forest within the manor as nine square miles; the woods in the hundred as nine and a half miles long by five miles and one-eighth broad, or not much less than forty-nine square miles, out of about four hundred, the area of the entire hundred; and the waste land of the manor as twelve carucates or carves of land.

The hide was the Saxon measure of land, and in the Domesday Survey, in the time of Edward the Confessor, land is described as so many hides; and this it is supposed was reduced, for the measurements taken at the survey, to the Norman standard of so many carucates or carves. But what was the hide, and what the carucate? Various authors, having in vain tried to reconcile conflicting statements in Domesday and elsewhere, have come to the conclusion that they were variable measures. From the Domesday Book itself we learn that "Twelve carucates of land make one hide; a carucate contains one hundred acres; and every bovate or oxgang contains fifteen acres. . . . . But in that part of Lancashire which lies between the rivers Ribble and Mersey, in every hide there were six carucates of land." As to the hide, it was originally as much arable land as would suffice to maintain one family or household — usually in Saxon times by a threefold

[22] The nature of these exemptions and immunities will be better understood from a passage in Domesday under the hundred of West Derby: "All these thanes [holding a manor each of Roger de Poictou] were accustomed to pay two ores of pennies [2*s.* 8*d.* or 3*s.* 4*d.*] for each carve of land [there being one or two carves in each manor]. And by custom they built the king's [manor-]houses with their appurtenances, as the villeins did, and [constructed] the fisheries, and the hays and stands in the wood; and whosoever did not go to this service when he ought, was fined 2*s.*, and afterwards went to the work, and laboured till it was finished. Every one of them, moreover, sent their reapers for one day in August, to cut the king's corn. If he did not, he was amerced in 2*s.*"

rotation of crops. To that accomplished Saxon scholar, the late John Mitchell Kemble, we owe the satisfactory solution of the quantity of land comprised in the hide. In his *Saxons in England* he enters into most extensive and elaborate computations, on data derived from the unrivalled collection of Anglo-Saxon charters edited by himself; and he reconciles many apparent anomalies and contrarieties in ancient documents. It seems that besides the difference caused by the long and short hundred (120: 100) the Saxons had both a large and a small acre. Their yard measure was larger than the English yard of later days in the proportion of 1 to 1·1; in other words the Saxon yard contained 39·6 of our inches. Their furlong was 200 Saxon or 220 English yards. In square measure, a plot of land 200 square yards long (the length of the furrow) and 5 broad (1000 square yards Saxon, or 1210 English) constituted a square furlong or rood (in Latin a *jugerum* or *quarentena*), which was in fact the SMALL ACRE of Saxon times. Four of these roods or square furlongs (4000 square yards Saxon, 4840 English) made the Saxon LARGE ACRE, which is almost identical with our statute acre. It follows that the hide, when it is stated in documents to contain 100 or 120 acres, really refers to the rood or *small* acre; 100 of which Saxon, or 120 English, make one hide. But it is more convenient to take the Saxon *large* acre, as so nearly the same with our present statute acre; and we find that of these 30 Saxon (equivalent to 33⅓ English and to 40 Norman) acres make the hide. Mr. Kemble has thrown so much light on this subject that it is to be regretted he did not also elucidate the area of the Norman carve or carucate. The quotations given above from Domesday indicate great variations in this measure. Thus 12 carucates = 1 hide; but in South Lancashire 6 carucates = 1 hide; and again the carucate contains 100 acres. In various ancient documents the hide and the carucate are shown to be different names for the same area of land. The etymology of the word, from *caruca* a plough, in English "carve" or "plough-land," may assist in solving the difficulty. If it were as much land as could be tilled by one plough (and Skene thus defines it,

adding "in a year and a day") it must have varied in quantity; for a plough in a light, sandy or loamy soil, would do twice as much work as in a tenacious clay, or hard rugged soil. In Domesday we find differences, however, between the carve and the plough, as "44 carves of land, which 30 ploughs can till;" "85 carves, which may be ploughed with 45 ploughs;" "15 carves, which 8 ploughs may till," &c. As the Domesday Survey had particular reference to the tax on land, it was more important to indicate it by its plough-ability than by its acreage. The first, with a variable quantity of land, would give about an equal value; the second, with a fixed quantity of land, would demand an ever-varying assessment or valuation. And this assumption can alone account for the great discrepancies in the alleged acreage of the carucate. In the time of Richard I. it was stated to be sixty acres; and if the large acre be meant, that would be nearly two hides to the carucate; if the small acre, the carucate would be fifteen large acres, or about half a hide. At first it might be expected that the statement in Domesday that the churches of St. Mary and St. Michael held in Mamecestre one carucate of [arable] land, would settle the question. But though there is some ground for supposing that this carucate was the detached portion of the township of Newton called from Saxon times Kirk-mans-hulme (*i.e.* the church-man or priest's home or dwelling), the area of this land affords no clue to that of the carucate. John Whitaker, in his *History of Manchester* (vol. ii. p. 434), states that according to a late and accurate measurement, Kirkmanshulme contained 239*a*. 2*r*. 39*p*. statute measure, inclusive of the ground taken up by the hedgerows and ditches. And he adds, with his usual temerity: "240 statute acres, therefore, were the general complement of the ancient carucate." A more safe and sound deduction from the extent of area would have been, either that the original gift of a carucate had received large additions by subsequent donations, or that it was now blended with other adjoining acquisitions of the collegiate body, and could not be distinguished, all being included in the present hamlet of Kirkmanshulme. Again,

taking the statement in Domesday that in South Lancashire [in Derby hundred] six carucates make one hide, we have twenty roods or small acres, or five large or statute acres, as the area of the carucate. Bracton states that a deed of Thomas de Arden of 19th Edward II. (1325-26) shows that the carucate was then 100 acres of land. Dr. Whitaker, in his *Whalley*, states that the manors in Blackburn hundred averaged about one and a half carucate each; that the oxgang was 16 acres, and the carucate 128 acres. This gives the average area of the Blackburn hundred manors as 192 acres. If the word carucate in Domesday imply any fixed quantity of land, perhaps it would be the safest conclusion to regard it as one-fifth or one-sixth of the hide. In the West Derby hundred, the worth of a carucate (*2s.* 8*d.*) was just one-sixth that of the hide (*16s.*)

In his *Whalley* (pp. 46 *et seq.*) Dr. Whitaker thus comments on this portion of the Domesday Survey:—

In the manor of Salford, which denominated the hundred, were three hides and twelve carucates of land. Radcliffe alone had been the immediate property of King Edward: over the rest of the hundred he was only lord paramount.

In Manchester were two churches respectively dedicated to St. Mary and St. Michael, holding one carucate between them (we are not told whether in common) liable to the geld only. In this hundred were somewhat more than forty-five [square] miles of native wood. To this hundred also, in King Edward's time, appertained twenty-one berewicks, held each by a Saxon thane, for so many manors. They consisted of eleven and a half hides and ten and a half carucates; or, according to the account given of the hide in the Derby hundred, about seven hundred acres each.[23] One of these thanes named Gamel, who

[23] We give this calculation as it stands, without being able to perceive its accuracy. If the carucate be 128 acres, 6 carucates being equivalent to the hide in Derby hundred, then 11½ hides would be equivalent to 69 carucates or 8,832 acres: 10½ carucates=1,344 acres; total of 11½ hides *and* 10½ carucates, 10,176 acres—which, divided by 21, gives about 484½ acres for each berewick, and not 700 as stated. If the carucate be 128 acres, and 6 carucates=1 hide, then the hide would contain 768 acres. Can this be the cause of the error? The acre is not defined; we are left in

held two hides in *Recedham* (certainly Rochdale), had certain peculiarities in his customs, which have been already explained. Nothing is said of the castle, which, as it gave denomination to Castleton, must have existed before this time, but was now probably in decay, yet seems to have been afterwards restored, as the burgesses of a decayed castle here are mentioned as late as the reign of Edward II. The quantity of land held by Gamel will, I think, warrant the conclusion that he was thane of the four townships into which that parish is divided.

At the time of Domesday a great revolution had taken place in the state of property here. There remained in demesne two carucates, cultivated by eight slaves and two villans, who occupied one carucate between them.[24]

Of the rest of the hundred, Roger of Poitou had already granted out, to be held by military service, to one Nigel three hides and half a carucate; to Warin, two carucates; another Warin, one and a half carucate; Goiffrid [supposed to be the first sheriff of Lancashire], one carucate (all Norman names); and to Gamel, perhaps the old lord of Recedham, two carucates. These were occupied by three thanes, thirty villans, nine bordarii, one presbyter, and eight slaves, holding in all twenty-two carucates. Here let it be observed that three hides and seven carucates are described as equal to twenty-two carucates; therefore the hide *here* consisted of five carucates:[25] the demesne consisted of three carucates. But this is far from accounting for the quantity of land enumerated above, which amounts at the same rate to ninety-three carucates. This will be explained by the difference in the rental. Under King Edward the hundred of Salford yielded 37*l.* 4*s.* At the time of the survey it was reduced (undoubtedly by depopulation and neglect) to 12*l.*

doubt whether the Lancashire acre of 7,840 square yards is implied, or the modern statute acre of 4,840 square yards.

[24] We read this differently, viz., that in the demesne were two ploughs amongst eight serfs, and a third plough worked by two villeins.

[25] All this calculation depends upon whether the classes of men named held twenty-two carucates of land, as the Rev. W. Bawdwen and Dr. Whitaker render it, or had amongst them twenty-two ploughs, as we translate the passage. The original has "Inter omnes habent 22 *car.*," not *caruc.* or even *car. terræ*. It should also be noted that Domesday generally describes land, whether hides or carucates, as *held;* ploughs as *had*. The number of ploughs (22) agrees with that of the berewicks in the time of Edward the Confessor.

It is very difficult to conceive the statement here given of the inhabitants to be meant of the entire population; yet how can any enumeration descend lower than slaves? Even comprehending these, only sixty-three families are accounted for in the hundred of Salford; and how should these consume the produce of 2,500 acres; or how indeed cultivate the ground, of which a large portion must have been under tillage?

The five knights holding amongst them the manor (or hundred) of Salford were: —

	Holding Hides	Carves
1 Nigel [? Baron of Halton and Widnes]	3	½
2 Warin [? Banastre, Baron of Newton]		2
3 Warin [? Busli or Buscel, Baron of Penwortham]		1½
4 Goisfrid [? Goisfrid, sheriff of Derby hundred]		1
5 Gamel [? the thane who held 2 hides in Rochdale]		2
Total	3	7

Of these five names, the first four are undoubtedly Norman. Nigellus is the Latin form of Niele or Neale. A Nigel, a younger son of Roger de Toeny, standard bearer of Normandy, accompanied the Conqueror to England, and held various lordships in Derbyshire. Warenne or Garenne, was both a christian and a surname. It implied what the English word warren still means. Banastre and Buscel, were the surnames of two Lancashire barons named Warin, who came over with the Conqueror. Goisfrid is the Norman form of Godfrey, *i.e.* Anglo-Saxon *God*, and *frede* peace, — God's or good peace. The Saxon Gamel meant old. As to the relative holdings, Nigel had three hides and half a carve, or rather more than one hundred and ten statute acres; the other four only holding one hide and one carve and a half amongst them. Albert Greslet (Senex) married a daughter of William Fitz-Nigel (*i.e.* William son of Nigel), baron of Halton and Widnes and constable of Chester. If the Gamel be identical with the thane who in the time of King Edward held two hides in Recedham, then the hide and the carve would seem to be different names for the same quantity of land. But Dr. Whitaker points out that the

twenty-two carves [? ploughs] which all the holders possessed amongst them, are equivalent to the three hides seven carves of the five knights. In this case the hide would be equivalent to five carves, as $3 \times 5 = 15 + 7 = 22$ carves. The carve in this case would only be twenty Saxon small acres, or about six and a half statute acres. But all this is mere conjecture.

What is the picture, then, which the Domesday Survey paints for us in the hundred of Salford eight hundred years ago?[26] First as to the woods and forests. These were extensive; but the two require distinct definitions. The "Silvæ" of Domesday imply woods of trees, more or less thickly growing. The "Foresta" is thus defined by Manwood, the great authority on forest law: "A forest is a certain territory of woody grounds, privileged for wild beasts and fowls of forest, chace, and warren, to rest and abide in under the protection of the king, for his pleasure and recreation."

In the manor of Salford alone there was forest (ground not wholly covered with wood) to the extent of nine square miles; having many deer-hays, and an aëry of hawks. This forest included much pasture ground. In the manor or hundred, there were about forty-nine square miles of wood, probably none of it as old as the Roman times, but all the growth of the six centuries between their quitting Britain and the Norman Conquest. Next comes the land, whether used for pasture or culture. It seems to us not improbable that the term "hide" was used in Domesday to denote the quantity or measure of all land used as meadow and pasture, exclusive of wood, forest and waste; and that land under the plough was measured by the "carucate," carve or plough-land. In the manor were three hides and twelve carves of land, waste. But

[26] John Whitaker says (vol. ii. p. 120) that the hundred of Salford had just ten manors, ten tithings and one hundred townships within its limits. In its parochial division it consisted of ten parishes, comprehending one hundred townships. Originally manors, parishes, and tithings were commensurate throughout the kingdom; and the hundred of Salford seems to have had these proportions. Ten manors or tithings or parishes, comprising one hundred townships, constituted the hundred. There are now twelve parishes in the hundred, that of Ashton-under-Lyne being originally in the parish of Manchester; and Bolton, though an ancient manor, is only a modern parish.

it is not clear whether the whole quantity was waste, or only the twelve carves which had been arable. In Radcliffe there was one hide, and another belonging to the hundred. The two churches then existing in Mamecestre held a carve of land. Then in the hundred, twenty-one berewicks consisted of eleven and a half hides and ten and a half carves of land. These quantities cannot be merely a larger and a smaller denomination of measure, like acres, roods and perches; for the carve being a fifth or sixth of the hide, the sum would have been stated as thirteen and a half hides and half a carve; or thirteen and a half hides, one and a half carve. They must here indicate so many hides of one kind, and so many carves of another kind of land. There were also two hides in Rochdale. This gives a total quantity of land, in wood, forest, waste, &c. (the quantity in the demesne not being specified) of about fifty-eight square miles, besides sixteen and a half hides and twenty-three and a half carves, or about five hundred and forty-seven statute acres of land. This is a very imperfect enumeration of land in the hundred of Salford, which had an area of about four hundred square miles. The only conclusion to be deduced is that the rest (save the demesne lands) was unpopulated, uncultivated, and valueless. In a few years the value of the whole hundred had decreased from £37 4s. to £12. One of the most populous parts of England in the nineteenth century was then for the most part a desert, though held by the crown. The population consisted of one baron and his family, five knights, twenty-four thanes, thirty-two villeins, eighteen serfs, and nine bordars or cottagers. One priest is all that is named, though Mamecestre alone had two churches. Including women and children, the population of the hundred of Salford (having an area of about four hundred square miles), so far as enumerated in the Domesday Survey would not exceed ninety families. As only four places are named in the whole hundred, the probability is that the population was chiefly in and around these, and that the rest of the district was either wood or forest, or a dreary uncultured waste.

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CHAPTER IV.

THE BARONY AND MANOR. THE GRESLETS.

A FEW words of explanation are necessary, as to what was a Barony and what a Manor; for there was an ancient barony, and a still more ancient manor, of Mamecestre. A barony comprised several, sometimes many manors; and in later times especially, the manor of Mamecestre formed only a small integral part of the extensive barony of that name.

Madox in his *Baronia Anglica* refers the first erection of land baronies in England to William the Conqueror, who to reward his Norman barons, and to engage them to himself by an inviolable faith, feoffed them of great dominions or lordships in England, to hold by the service of so many knights. The head or chief seat of the barony was not a city or town, but a castle; as the head of a manor was a mansion or manor-house. The holder of a barony was a baron, lord, or seigneur, — the only title of nobility below that of earl immediately after the Conquest, and William I. himself was only "Earl William." Soon after the Conquest all holders of baronies and manors or lordships sat in parliament as barons. But these being very numerous, it was ordained in the reign of King John that none but the *barones majores* should come to parliament; and that these, for their extraordinary wisdom, interest, or quality, should be summoned by writ. Afterwards, as nobility depended on the king's will, others obtained letters-patent of this dignity to them and their heirs male, and were called "barons by letters patent or creation," and their posterity are now by inheritance barons or lords of parliament. Those barons first called by writ are now justly barons by prescription,

for they and their ancestors have been barons beyond the memory of man. The origin of barons by writ, Camden refers to Henry III. and barons by letters-patent or creation, to the 11th Richard II. (1387–8). Some of our ancient lords are also barons by tenure. In ancient records the word baron included all the nobility of England, for all nobles were barons, though they had a higher dignity. The great council of the nobility, consisting of dukes, marquises, earls and barons, included all as "de La Councell de Baronage." (*Glanv.* cap. 4.) These barons had two ensigns given them, to remind them of their duties, — a long robe of scarlet in respect of which they are accounted "de magno concilio regis;" and they are also girt with a sword, that they should ever be ready to defend their king and their country. (*2nd Instit.* 5.) The earls palatine and marcher of England had anciently their barons under them; but no barons save those who held immediately of the king were peers of the realm. (*Jacob.*)

The earls palatine of Chester and Lancaster had their barons holding baronies, manors, &c. of them; these earls in turn holding directly of the king. Thus Roger de Poictou ranked among the "*Capitales Barones*," holding immediately from the crown. The barons who held of Roger were styled "*Barones Comitatûs*" or barons of the county, and held free courts for all pleas except those belonging to the earl's sword. The barons under Roger de Poictou, in Lancashire, shortly after the Conquest, are thus enumerated in *Kenion's MS.*:—

1 Godefridus, Vice Comes ejus de Derby.
2 Yardfridus, Baro de Widnes.
3 Paganus Villers, Baro de Werington.
4 Albertus Grelle, Baro de Mamecestre.
5 Burin [Byron], Baro de Ratchdale et Totington.
6 Ilbert Lacy, Baro de Clitheroe.
7 Warinus Banistre, Baro de Newton.
8 Warinus Busli or Bushel, Baro de Penwortham.
9 Roger de Montbegon, Baro de Hornby.
10 William Marshall, Baro de Cartmel.

11 Michael Flemingus, Baro de Glaston.
12 William de Lancaster et Robert de Furnes, } Baro de Ulverston.
13 William de Lancaster, Baro de Netherwiresdal.
14 Theobaldus Walter (or Pincerna, or Butler), Baro de Weeton.

Roger de Poictou, Earl of Lancaster (?) prudently stationed his barons in the most vulnerable places to preserve his earldom in quiet. . . . . Opposite a high ford or boat, called Holyn Fare Passage, out of Cheshire to Straitford, as well as to keep guard against another Cheshire baron called Stokeport, he placed Albertus Grelle, an eminent baron. . . . . The Baron of Manchester held divers fees in the hundred of Leyland.—(*Kenion's MSS.*) The succession of different families to the baronies of the county is thus given in *Percival's MSS.*:—

1 Vicecomes de Derby — Godefrid, Peverel, Ferrers.
2 Castellanus de Liverpool — Molyneux.
3 Baronia de Widnes — divided between Lacy and Grelle.
4 Ditto Warrington — Paganus Villers, afterwards Butler.
5 „ Newton — Langton.
6 „ Mamecestre — Grelly, [La Warre], West, Mosley.
7 „ Rochdale — Baldwin Teutonicus, afterwards Byron.
8 „ Clitheroe — Lacy, the Crown, Monk, Montagu.
9 „ Penwortham — Bussell, Lacy, the Priory, Fleetwood.
10 „ Hornby — Roger de Montbegon.
11 „ Furnes — Michael Fleming.
12 „ Wiresdale — William de Lancaster.
13 „ Weeton and Amoundernes — Theobald Walter.

[The Baron of Cartmel appears to be omitted.]

It may be sufficient here to state as to the earls or lords paramount in Lancashire, that in 1102 William Peverel, a base son of the Conqueror and lord of Nottingham, succeeded to some of Roger de Poictou's possessions, including the wapentake or hundred, and the town or vill of Salford. It was under Peverel's rule that Albert Greslet received the grant of a large tract of country in the hundred, forming a very considerable proportion of the barony of Mamecestre. From Peverel the greater part of Lancashire passed to Stephen earl of Blois, Bologne and Moreton, and from him to

Randle de Gernouns, Earl of Chester, who is said to have possessed himself of one-third of the whole realm.

THE GRESLETS.

So far as is known there were of the house of Grelle, Greslet or Gresley, in succession, eight barons or lords of Mamecestre, who may be briefly enumerated: —[27]

I. ALBERT, the favourite of Roger de Poictou, temp. William I. and William II. (1086 – ? 1100), who probably held lands "in a wide circle of territory, within Salford hundred, of which Horwich Moor was the centre," and which, at a later period constituted what was termed "the Upper Bailiwick" of the lordship of Mamecestre. It is not certain whether his possessions extended to "the Lower Bailiwick" or the manor of Mamecestre; but he is generally regarded as the first baron of Mamecestre. He was succeeded by his son —

II. ROBERT, temp. William II. and Henry I. (? 1100 – ? 1135) who (in a charter of 1316) is named with his son as the joint founders of the Cistercian Abbey of Swineshead co. Lincoln (a daughter house to Furness), and who in 1131 gave to the abbey his mill at Mamecestre. He is supposed to have died about 1135, and to have been buried in his Lincolnshire Abbey. But this account is at variance with the *Annals of Peterborough and Parco Lude*, which state that Robert de Greslei founded the abbey in 1134; while the *Book of Furness* places its foundation nine years later, in 1143. Such is the uncertainty as to early facts and dates. Robert was succeeded by his son —

III. ALBERT, who, to distinguish him from his own son, was

[27] Dr. Kuerden, under the head "Baronia de Mamecestre" in his folio MS. in Chetham's Library (pp. 274 *et seq.*) has given an account collected from uncited authorities, and which is full of errors. It has been printed by Baines (vol. ii. pp. 172–175) with various omissions and some further errors. The errors were mainly attributable to the eight Greslets having only three Christian names, viz. three Alberts, three Roberts, and two Thomases. Thus Kuerden, after noticing the first Albert, goes on to name the possessions of a Robert who lived in the thirteenth John, and who consequently, instead of being the second baron, must have been the fifth. Then he confounds Albert *Senex* with Albert *Juvenis*, and altogether his compilation is quite untrustworthy.

called "Senex" or "old Albert." He lived temp. Stephen and Henry II. (? 1135–? 1166), and married Agnes or Matilda, daughter of William Fitz-Nigel, baron of Halton and Widnes, and constable of Chester, with whom he acquired lands in the upper bailiwick of the barony of Mamecestre, including Raynford (a chapelry of the parish of Prescot), Childwall, Cuerdley (a township in Prescot parish), and the townships of Allerton, Garston and Hale, all in the parish of Childwall, near Liverpool. Amongst his grants of land according to the *Testa de Nevill* were — to Orme Fitz-Ailward or Eward (with his youngest child Emma in marriage), one knight's fee in Dalton, Parbold and Wrightington; also for ten shillings yearly one carve of land in Eston (*i.e.* Orme-Eston, or Urmston). To Henry Fitz-Seward, one carve in Flixton for ten shillings yearly. To Ulric of Mamecestre, four oxgangs of his demesne for five shillings yearly (long held by the grantee's descendants); to Robert Bracebrigge two oxgangs of his demesne in Mamecestre, for four shillings yearly. To the church of Mamecestre, in alms, four oxgangs of his demesne, supposed to be the site of the Old Parsonage, in Deansgate. To the abbey of Swineshead, in alms, one croft, named Wythacres. He is supposed to have died in or before 1166, and was succeeded by his son —

IV. ALBERT *Juvenis*, or "Young Albert," who lived temp. Henry II. (? 1166–? 1182). He may have succeeded to the barony at an earlier period than that assigned; for in 1166 (12th Henry II.) he confirmed the grants of his grandfather and his father to Swineshead Abbey. He married Isabel or Elizabeth Basset, daughter of Thomas, and sister of William or Gilbert Basset, who survived him and married Guy de Creon for her second husband. — Among the grants of "Albert Juvenis" according to the *Testa de Nevill* were the following: — He gave Thomas de Perponte three carves of land in Ruhwinton and Lestoc for the third part of one knight's fee. To William Noreus [Norreys], two carves of land in Heton, for ten shillings [yearly]. To Alexander, son of Umoch, two oxgangs of land in Little Lofre [Lever], for half a mark [6*s.* 8*d.*] and twelvepence or one eyas-hawk ["nisum"] yearly. To Elias de Pennil-

bury, Slivehall, for twelve-pence or one eyas-hawk yearly. To Robert, son of Henry, two oxgangs of land in Milafesharh' [? Melshelache, Molsfrellache, Menshellache, or Moschellache] for three shillings [yearly.] "Young Albert's" date of death is unknown; but he was dead in 1182; and was succeeded by his son—

V. ROBERT, who lived temp. Henry II., Richard I., John and Henry III. (? 1182–1230) and as to whom we have some better data. He was eleven years of age in 1186, which gives his birth year 1175, and shows that he was not seven years old at his father's death. During his nonage he was placed under the guardianship of his mother Isabel, and his uncle Gilbert Basset. On coming of age, 6th Richard I. (1194–95), he did homage and was invested in his lands. He was the first Greslet who is known to have lived in Mamecestre, and his abode is supposed to have been the Baron's Yard, or Hull, on the site of Chetham's hospital, school, and library. He made many grants or sub-infeudations of land to his followers and tenants. In the *Testa de Nevill* he is stated to have held twelve knight's fees in the county "infra Limam et extra."[28]

[28] "Infra Limam et extra," *i.e.* under and without or beyond the Lime. But what was the Lime? Dr. Hibbert-Ware notices two different opinions. Sir Peter Leicester in adverting to an old saying, "None do me service beyond the Lime," regards the word "lima" or "lime," as an old corrupt version of *limes* (a limit or boundary line), and observes that there were two towns situated on the *verge* of the Cheshire palatinate, namely Ashton and Newcastle, to each of which the words "subtus limam" were appended. Others would read the word "lineam," agreeably to the English name of Ashton-under-Lyne, which they regard as pointing to the local situation of the town "under the line" of Mercian Cheshire; and so distinguished from Ashton-on-Mersey, which was not situated "under," but "upon" the great Cestrian boundary. This, however, does not remove the difficulty; for almost all ancient charters have "limam" and not "lineam." Dr. Hibbert-Ware thinks that whether the word be lime or line, reference is made to the great Mercian or Cheshire verge, or line, which is to be traced along the south-easterly and southerly districts of the barony from the Tame to the Mersey. Thus, such knights' fees as lay below this verge or line contiguous to the Tame or the Mersey from Ashton-under-Lyne to Flixton, and those in Widnes, adjoining the estuary of the Mersey, would be termed "*infra* limam," or perhaps "lineam." Such knights' fees as were more remote from the Mercian verge or line, as those in the north of the Salford hundred, or in Leyland, would be designated "*extra* limam," or by some "lineam."

One of these fees was held by Matthew, son of William, and Roger, son of William, in Withington, of ancient tenure, by the service of finding a judge [for the Mamecestre Court Baron]. Is this Matthew de Haversege? Gilbert de Neuton [or Notton], with the Lady of Barton, held one fee and a half of the same Robert. Thomas de Withington half a fee, of ancient tenure. Richard, son of Robert [de Lathom], five and a half carves of land, (viz. three in Childwall, one in Aspull, one in Turton, and half a fee in Brochels), "wherefore, six and a half carves make one knight's fee." Roger de Samlesbury and Alexander [de Harewood] held six carves in Harewood, of the aforesaid fee; and also an oxgang for three shillings (yearly) in Chapples, [Sharples.] Alexander de Pakinton [Pilkington] held of Robert Gredle, one-fourth of a fee and was to find one judge, of ancient tenure. If the same Robert be referred to, when the *Testa de Nevill* describes him as "Robert Gredle who now is," he gave to Robert de Bury the elder fourteen oxgangs of land of his demesne or lordship of Mamecestre, for half of one knight's service. The same Robert gave to Ralph de Emecote two oxgangs of land of his demesne of Mamecestre for 6*s*. 8*d*. yearly. We are further told that "the Robert Gredle who now is" gave to Ace [Aca] the clerk one [? oxgang of] land of his demesne of Mamecestre for 3*s*. [yearly], and that the same Aca holds that land. This land which Dr. Hibbert-Ware was of opinion was the same with "the Four Acres," "Nether Acres," and "Acres Field," was afterwards six and a half acres in extent, and was the site of "Aca's" or "Acres" Fair, covering St. Ann's Square and the neighbouring land; the cross of the fair and market being erected where Cross-street is now, and the tolls of the fair and market being collected in Toll Lane. Dr. Hibbert-Ware says that this Robert granted lands to tenants of the old Saxon stocks bearing the names of the places where they settled, viz. Hulme, Worthington, Prestwich, Withington, Chorlton, Cheetham, Middleton, Hest in Middleton, Hulton, Pendlebury, Clifton, Notton or Newton, and Failsworth. In 1222 and again in 1227 he obtained a charter for a yearly fair in Mamecestre. The possessions of Robert Greslet in that part of the Salford hundred, which after-

wards constituted the upper bailiwick of the barony, appear to have comprised a large tract about ten miles from north to south, and of a breadth varying from six to eight miles; — including Anlezark, Sharples, Longworth, Rivington, Turton, Smithells, Halliwell, Harwood, Little Lever, Bradshaw, Horwich, Heton, Lostock, Rumworth, Pilkington, Dean, Aspull, West Houghton, Hulton and Farnworth. These possessions subsequently constituted the upper bailiwick of Mamecestre. The lower bailiwick, as possessed by this baron, seems to have been bounded by the Irwell, from the point where the Medlock falls into it, to Strangeways; thence extending eastward in an irregular course towards Blackley and Alkrington, whence the boundary continued in a south-easterly direction to Ashton-under-Lyne. Here the river Tame became its boundary, as far as to where it falls into the Mersey near Heaton Norris. Then the Mersey became the boundary westward, along its course, by Didsbury and Urmston, till its confluence with the Irwell near Cadishead; and thence the Irwell was the boundary north-east to the starting point at Aldport. Robert died in 1230–31, and was succeeded by his son —

VI. THOMAS, who lived temp. Henry II. (1231–1262). He obtained from the king a grant of free warren over his lands in Mamecestre and Horewich in the year 1249; and he was appointed according to some Warden, but the patent distinctly says "Justicier," of the king's forests south of Trent in 1259–60. He held according to one account five and a half knights' fees in Mamecestre, and six and one-third knights' fees and one-twelfth of a fee in "Lindeshay [? co. Lincoln] in the honour of Lancaster." The *Testa de Nevill* gives the following statement of the "Fees of Thomas de Gretley:"— Gilbert Barton holds one and a half knight's fee in the same place [Barton] of the fee of Thomas de Gretley. Matthew de Haverseg' holds one knight's fee in Withington of the said fee. Robert de Lathom holds one knight's fee in Childwalle and one-fourth of a knight's fee in Parbold, and three parts of a fee [*i.e.* the other three-fourths] in Wrothinton, of the said fee. Richard le Perpund holds one-third of a fee in Rumheworth of the said fee. William de

Worthenton holds half a fee in the same vill of the said fee. Roger de Pilkington holds one-fourth of a fee in the same vill of the said fee. Thomas de Gretley holds in Lindeshay in the honour of Lancaster [? co. Lincoln] six and one-third knights' fees and one-twelfth of a knight's fee, in chief of the lord the king. This Thomas Greslet died in the 46th Henry III. (1261–2) and was succeeded (his eldest son and heir Robert having predeceased him) by his grandson —

VII. ROBERT, who lived temp. Henry III. and Edward I. He was born *circâ* 1252, as he is stated to be of age in 1273. In that case he succeeded his grandfather in 1262, when he was about ten years of age, and for his guardian during his minority he had Edmund Crouchback, first Earl of Lancaster. He was summoned to parliament as a baron by writ in the first four years of the reign of Edward I. (1273–1276). During some years of his life his uncle, Peter Greslet, was "custos ecclesiæ," or keeper of the church of Mamecestre; but he never held the barony or the manor. Robert married Hawise, daughter and coheir of John de Burgh. Amongst his grants are lands at Westwood in Barton to the Abbey of Stanlaw [see *Whalley Coucher Book*, p. 882]; and to Whalley Abbey and the church of Mariden [St. Mary's, Dean] a vill in the township of Rumworth, he confirmed a grant by Thomas de Perpount of the latter's lands near the chapel. [*Ib.* p. 61.] As he died in his homage 15th February 1282 (in which year three inquiries as to his possessions were held) he was about thirty years of age when he died, leaving —

VIII. THOMAS, his son and heir, then not three years of age, and consequently only twenty-two when he granted his charter to his burgesses of Mamecestre on the 14th May 1301 (see *frontispiece*). During his minority the custody of the barony was granted to Amadeus de Savoy. Thomas Greslet lived temp. Edward I. and Edward II., and in March 1309 he granted the manor of Mamecestre to John la Warre Baron of Wickwar co. Gloucester and his wife Joan or Joanna, Greslet's sister and sole heir. Thus, after the Greslets had held estates in Lancashire about two hundred and twenty years, from the latter part of the eleventh to the beginning of

the fourteenth century, a great part of those possessions, including the barony and manor of Mamecestre, passed by distaff to the Lords de la Warre, — of whom more hereafter. The last male Greslet is believed to have died about 1313, twelve years after his grant of the Mamecestre charter, and four after transfer of the manor to La Warre.

A manor (*manerium*) seems to be derived of the French *manoir*, habitation, or rather from *manendo*, in abiding, because the lord did usually reside there. It is a noble sort of fee, in part granted to vassals (whom we call tenants) for certain services to be rendered; partly reserved by the lord for the use of his family, with jurisdiction over his vassals or tenants for their farms. What is granted out to the vassals we call tenemental lands; what is reserved to the lord demesne lands. The whole fee is called a lordship, formerly a barony; whence the court which arose out of this jurisdiction, and is always an appendage to the manor, still retains its name of court-baron. Touching the original of manors, it seems that in the beginning there was a circuit of ground, granted by the king to some baron or man of worth, for him and his heirs to dwell upon, and to exercise some jurisdiction more or less within that compass, as he thought good to grant, performing such services and paying such yearly rent for the same as he by his grant required; and that afterwards this great man parcelled his land to other meaner men, enjoining them such services and rents as he thought good, and so as he became tenant to the king, the inferiors became tenants to him. A manor may be compounded of divers things, as of house, arable land, pasture, meadow, wood, rent, advowson, court baron, and such like; and this ought to be by long continuance of time beyond the memory of man; for at this day a manor cannot be made, because a court-baron cannot now be made, and a manor cannot be without a court-baron, and suitors or freeholders, two at the least; for if all the freeholds except one escheat to the lord, or if he purchase all except one, there his manor is gone, *causa qua supra*, although in common speech it may be so called. — (*Cowell.*) A manor may contain one or more villages or hamlets; or only great part of a village, &c.

And there are capital manors, or honours which have other manors under them, the lords whereof perform customs and services to the superior lords. (2 *Inst.* p. 67.) There may be also customary manors, granted by copy of court-roll and held of other manors. (4 *Rep.* p. 26; 11 *Rep.* p. 17.) But it cannot be a manor in law if it wanteth freehold tenants; nor a customary manor without copyhold tenants. (1 *Inst.* p. 58; *Lit.* p. 73; 2 *Rot. Abr.* pp. 121; *Jacob.*)

The manor of Mamecestre was a manor by prescription, that is from time beyond the memory of man. Indeed, Domesday shows it was a manor in Saxon times. It possessed a court baron, and the other privileges enjoyed by the larger manors. It comprised not only several vills called its "members" with their hamlets, but a large number of freehold tenants; and its true position, therefore, was in the second class of manors, inferior only to the capital manor or honour, but superior to the mesne or subordinate manor and to the customary manor which had no freehold but only copyhold tenants.

The extent and boundaries of the barony, of the manor, and of the town or borough of Mamecestre, are not easy to define; and it is best to leave each to be indicated in some of the documents in subsequent pages, and to follow here the course of events, so far as they are recorded in instruments that can be accepted as satisfactory evidence. It may here suffice once for all to state, that the ecclesiastical history of Mamecestre, from the earliest period to the collegiation of the parish church in 1421, has been so ably and so fully written by the late Dr. Hibbert-Ware, as to leave nothing to be added within that period of any importance. To the fourth volume of that excellent antiquary's *History of the Foundations of Manchester* the reader is referred for all necessary information on this part of its local history. The scope of the present work is limited to the lay rulers of the territory bearing the name of Mamecestre, and to the civil events connected with it.

From the brief summary already given of the eight barons of the barony and lords of the manor of Mamecestre of the house of Greslet, it will be seen that the first of them who seems to have taken any real interest in the town was Robert Greslet, the fifth

baron of that family. As we have already stated, he took part with the barons in resisting the oppressions and tyranny of King John, and was one of the assembled barons at Runnymede; and the following translation of a letter from that king to the sheriff of Lancashire will show that these oppressions did not cease when Magna Carta was granted; for the king, having again provoked the barons (Robert Greslet among others) to take up arms, addressed this missive to the sheriff within eight months after signing the great charter of English liberties: —

The king to the sheriff of Lancaster greeting. Know that we have committed to our beloved and faithful Adam de Yeland the castle of Robert Greslet of Mamecestre, with all appurtenances, and all the land of the same Robert, which he held under the Lyme [infra Lymam], to be held so long as it shall please us. Wherefore we also command that you may direct full seisin to be made to the said Adam of the aforesaid castle with appurtenances, and of the said land under the Lyme. — *(Rot. Litt. Pat.* vol. i. part i. p. 165.*)*

Notwithstanding this seizure the king sent to Robert Greslet letters of safeguard, dated from the day of Circumcision in the seventeenth year of his reign [*i.e.* January 1, 1216] to last three weeks. He also granted to William Maresa the younger, and to Hugh de Vivian, all the land which was Robert Greslet's, in order to enable them to support the royal cause; which, however, was far too tottering for orders such as these to be executed. — (*Rot. Litt. Patent.* vol. i. pt. i. pp. 162–169; and *Rot. Litt. Claus.* pp. 311–313.) The death of John in October 1216 left Robert Greslet in quiet possession of his estates in Lancashire and elsewhere.

Adam de Yeland was probably the same witb Adam de Eland, who in 1227 is said to have been custos (or sheriff) for Earl William, and 1228 and four following years to have been appointed sheriff of Lancashire. He is styled "Eland of Ebor." Sometimes the name is written Heland. It is doubtless as sheriff of Lancashire that he was directed to take and hold Robert Greslet's possessions.

CHAPTER V.

GRANT OF A YEARLY FAIR.

As no grant of a market to the town of Mamecestre has been discovered, and as it was in the power of the lord of the manor in very early times to establish a market for the benefit of the *resiants* within the manor, and still more for that of the burgesses of a borough, there is strong reason for believing that the town possessed a market "from of old time," by ancient custom and usage, and consequently Mamecestre was a market town by prescription. [This was deemed sufficient to prevent Salford from having a market till 1824.] It is probable that wakes or fairs had been held on the dedication days of the old churches of St. Michael and St. Mary; but when these edifices perished, the fairs may have lost their prescription, or it may have been desirable to have an annual fair after harvest; or else, one by special royal grant, without which the tolls for stallage, pesage, &c., could not be enforced. The first institution of fairs and markets seems to have been for the better regulation of internal trade, and that merchants and traders might be furnished with such commodities as they needed, at a particular mart, without that trouble and loss of time which must necessarily attend travelling about from place to place, to buy goods in small quantities. The lawyers tell us that as this is a matter of universal concern to the commonwealth, so it hath always been held that no person can claim a fair or market, unless it be by grant from the king, or by prescription, which supposes such a grant. — (2 *Inst.* p. 220; 3 *Mod.* p. 123). Therefore, if any person sets up any such fair or market without the king's authority, a *quo warranto* lies against him; and the persons who frequent such fair, &c., may be punished by fine to the king. —

(3 *Mod.* p. 127). Fairs were generally kept once or twice in the year; and were doubtless first occasioned by the resort of people to the yearly feast or dedication of the parish church. Hence in most places the fairs by old custom are held on the eve or on the same day with the wake or festival of that saint to whom the church was dedicated; and for the same reason they were anciently kept in the churchyard, till restrained by authority. At the Domesday Survey the two churches in Mamecestre were dedicated, one to St. Michael, the other to St. Mary the Blessed Virgin. But in the space of one hundred and forty years it is not improbable that one or both these edifices, which were in all likelihood of wood, had perished, and that a church had been erected in the stead of one or both of them, dedicated to St. Matthew the Evangelist; for we shall find that the fair obtained by royal charter was assigned to the feast of that saint. It is on record that in 1186 (32 Henry II.) Robert Greslet was eleven years of age. That would give 1174–5 for the year of his birth. It is also stated that he arrived at full age in the 6th Richard I. (1195), and soon afterwards married a daughter of Henry, brother to William de Longchamp, Chancellor to King Richard. He resided in Mamecestre, and is supposed to have fixed his seat on what long bore the name of "The Baron's Hull" or hill, — the site of the present Chetham's hospital, library and school. He would be forty-six or forty-seven years of age when he made application for the royal grant of a fair for his town of Mamecestre. There can be no doubt that while it had become a most desirable privilege for the inhabitants, it was also greatly for his own interest; for whatever benefited the *resiants* must reflectedly advantage their lord. By some grants of a fair, toll was leviable by the lord, as a reasonable sum of money, due to the owner of the fair, upon the sale of things tollable, within such fair; or for stallage, pickage, or the like. But toll is not incident to a fair without special grant, and where it is not granted, such a fair is accounted a "free fair." — (2 *Inst.* pp. 220–222.) We must ascertain the real nature of the fair here, from the words of the

grant itself. Owing to circumstances, the first grant was only a temporary one, and the second was not made till five years after the first. When Robert Greslet first sought this new franchise, Henry III. (in the sixth year of his reign) was in his minority, and all that could be granted was limited to the remaining years of the king's nonage, renewable doubtless on his attaining his majority. Accordingly the first grant, nominally from the king, but really from the regent (Hubert de Burgh), was couched in the following terms, according to a transcript made expressly for this volume, from the Fine Rolls deposited formerly in the Tower, but now in the Public Record Office, London: —

(*Rot. Fin. Anno Regni Regis, Hen. Tercii 6to, M.* 3.)

Lancastr' { Rob̃ Greslei dat dño R unū palefridū p̃ ħnda una feria usq; ad etatē dñi R singlis annis ap̃ manū suū de Mamecestr p̃ duos dies durat'a scil̃ in Vigilia Sc̃i Matħei Apl̃i & ip̃o die Sc̃i Matħei. Nisi feria illa &c. Et mandat̃ est Vic̃ Lancastr̃ q̃d capiat &c. T.' H. &c. ap̃ Leukenor̃ xj. die Aug̃.

(*Fine Roll of the 6th year of the reign of King Henry III. Skin* 3.)

Lancastr' { Robert Greslei gives to the Lord the King One Palfrey, to have a fair until the full age of the Lord the King, every year, at his Manor of Mamecestre, during two days, to wit, on the Eve of St. Matthew the Apostle, and on the day of the same St. Matthew, unless that fair, &c. And the Sheriff of Lancashire is commanded, that he take, &c. Witness Hubert, &c., at Lewknor, the 11th day of August (1222).

It is an error into which several writers (amongst others the late Mr. Whatton) have fallen, that Robert Greslet gave for the grant of a fair "five marks and a palfrey;" — Keuerden says "four marks and a palfrey" — for the extract from the roll of fines names only a palfrey. The grant was in fact only a lease of the privilege for the remaining five years of the king's minority. The grant is of a fair, not in his town or borough, but "at his manor," and the duration of the fair is limited to two days, the eve and the feast of St. Matthew the Apostle and Evangelist, viz. the 20th

and 21st days of September. The clause "unless that fair, &c.," is a form not copied at length on the roll, because at the time well understood, implying that unless the fair now granted be to the injury or detriment of any neighbouring fair already existing, &c. A similar form of direction to the sheriff to proclaim the fair, &c., is in like manner only indicated by its opening words. "Witness, Hubert," &c., is doubtless Hubert de Burgh, chief justice of England and regent of the kingdom during the minority of the king. Lewknor, where the grant is dated, is a parish chiefly in the hundred of the same name, co. Oxon., three and a half miles from Tetsworth.

In the year 1227, Henry III. came of age, when a more potent and authoritative grant of a fair was made (there being no consideration stated) in which its duration was extended to three days, including the morrow of St. Matthew, — an extension of the privilege which seems to imply that in the interval of five years the fair had proved a successful experiment.

The following is a transcript from the Charter Roll, formerly in the Tower, but now in the Public Record Office: —

(*Rot. Cart. Anno Regni Regis, Hen. Tercij undecimo, M.* 4.)

P Robto Greslay. { H. Rex ℔c. Salt. Sciatis nos concess ℔ hac ꝑsenti carta nr̃a c̃of'masse Robto Greslay q̃d ipe ℔ hedes sui hant ippetuū unā feriā ap̃ manliū suū de Mamecestr̃ singul annis p̃ tres dies dur̃ videt ī vigil ℔ ī die ℔ ī c̃stino Sc̃i Mathī Apli. Ita tn̄ [℔c. ut s̃ ī aliis cartis de feriis Q̃re vol ℔c. T. ut s̃.]

Hiis testibꝫ H. de Burgo Com̄ Kanc̄ Justic̄ Angl R. Com̄ Cornub fr̃e nr̃o Will̃o Com̄ Albemarl Hug̃oe de Mortuo Mari Briano de Insula Phil de Albiniaco Rad̃o Gernun Ric̄ de Argent̄ ℔ aliis. Dat̃ p̃ manū venabil pat̃is Radi Cycestr Epi Cancellar̃ nr̃i apud Farendon nono decimo die Aug̃ anno r̃ n̄ xj°.

Before appending a translation, it may be right to give more fully the passage within brackets. It reads "Ita tamen, &c., ut

supra, in aliis cartis de feriis, Quare volumus, &c., Teste ut supra." With the context in place of the "&c.," the passage runs:

Ita tamen quod predicta feria non sit ad nocumentum vicinarum feriarum, ut in aliis cartis de feriis.[29] Quare volumus et firmiter præcipimus, quod prædictus Robertus et heredes sui habeant in perpetuum prædictam feriam bene et in pace libere quiete et honorifice cum omnibus libertatibus et liberis consuetudinibus ad hujus modi feriam pertinentibus.

(*Charter Roll of* 11*th Henry III. Skin* 4.)

For Robert Creslay. { Henry, King, &c., greeting. Know ye that we have granted, and by this our present Charter have confirmed, to Robert Greslay, that he and his heirs may have for ever one fair at his manor of Mamecestre, yearly, during three days, namely, on the Eve, and on the Day, and on the Morrow of St. Matthew the Apostle; on condition [that the said fair may not be to the harm of neighbouring fairs, as [is provided] in other charters of fairs. Wherefore we will and strictly command that the said Robert and his heirs may have for ever the said fair, well and in peace, freely, quietly and honorably, with all liberties and free customs to this kind of fair appertaining.] These being witnesses: — H. de Burgh, Earl of Kent, Justiciary of England;[30] R. Earl of Cornwall our brother;[31]

[29] The oldest Latin word for fair was *nundinæ*. Our English name is from the Norman *feire*, latinised *feria*; and it has been conjectured that both the English and French names are from *feriæ* (holidays), because it is incident to a fair that persons should be privileged from being molested or arrested in it for any other debt or contract than what is contracted therein, or at least was promised to be paid there.

[30] Hubert de Burgh, the official witness of the earlier grant, and the first of those named in the later, could trace his ancestry as high as the Emperor Charlemagne, from whose fifth son (Charles duke of Ingeheim) descended Harluin de Burgh, who married Herleva or Arlotta, the mother of William the Conqueror, and had by her two sons, — Odo, bishop of Bayeux and earl of Kent, and Robert earl of Moreton and Cornwall. Robert's son William claimed the earldom of Kent, as Odo's heir, and Henry I., refusing to recognise his claim, he rebelled, was defeated, deprived of his eyes, and imprisoned for life. Of this Earl William, Hubert de Burgh was a grandson. From an early period of his life he was in the service of Richard I. In the year 1200 he was king's chamberlain to John, and rapidly advanced in favour with that monarch; had the charge of the castles of Dover, Windsor, Hereford &c.; the wardenship of the Welsh marches, for the defence of which the king gave him a

William Earl of Albemarle;[32] Hugh de Mortemar [or Mortimer];[33] Brian de L'Isle;[34] Philip d' Albini;[35] Ralph Gernun [or Gernouns];[36]

hundred knights [fees]; the shrievalties of Dorset, Somerset, Cornwall and Berkshire, &c. It is said to have been in his charge that Prince Arthur was sent to Falaise; and his disobedience to the king's cruel commands was forgiven, when he announced to the murmuring barons that Arthur was still alive. In 1214 or 1215, as seneschal of Poictou, he arranged a five years' truce between the kings of England and France, and in that capacity he attended at Runnymede 15th–19th June, 1215, when Magna Carta was signed; and a few days afterwards was raised to the high office of chief justiciary of England, with the custody of the honour of Peverel, of the chamber of London, and of the mint. At the commencement of the reign of Henry III. he was continued justiciary with a salary of 300*l.* per annum. In March 1219 the regency was conferred upon him, and in his government he is said to have shown wisdom and firmness, with some severity; he repressed a dangerous insurrection in London in 1222, and in that year married for his third or fourth wife Margaret, eldest sister of Alexander King of Scotland. When Henry III. attained his majority he continued Hubert as his minister, and raised him in February 1227 (six months before this grant) to the earldom of Kent, and in the following year his title of chief justiciary was confirmed to him for life. The envy of various barons, the enmity of Peter de Rupibus bishop of Winchester, and the jealous and irritable temper of the king, led to his fall. He was removed from his office in July 1232, and was for years persecuted by the king, twice torn from sanctuary, and once outlawed. His last few years were spent in peace and retirement, and he died in May 1243 at Banstead, Surrey. He was a faithful servant and a wise councillor to two ungrateful monarchs. — (See Foss's *Judges of England*, vol. ii. p. 272.)

[31] (*Page* 48.) Richard Plantagenet, the king's brother, was a younger son of King John. He was created earl of Cornwall 30th May 1226, was elected king of the Romans, and died in 1272.

[32] William de Fortibus, son and heir of Hawise (daughter and heir of William le Gros, third earl of Aumarle or Albemarle) by her second husband, was the seventh earl of Albemarle, the second of his name, succeeding in 1212. He was one of the celebrated twenty-five barons appointed to enforce the observance of Magna Carta. He died in 1241.

[33] Hugh de Mortimer was the fourth baron (by tenure) Mortimer of Wigmore, his great grandfather Ralph having come to England with William the Conqueror, and obtained the Castle of Wigmore. This Hugh succeeded in 1215, and died in 1227.

[34] Brian de Insula, or De L'Isle, was so named from the Isle of Wight or the Isle of Ely. He held a high place in royal favour from the 2nd John (1200) till his death. Amongst other offices he was custos of the castles of Knaresbro' and Bolsover, chief forester for the counties of Nottingham and Derby, one of the custodes of the vacant archbishopric of York, and a warden of the seaports of Yorkshire and Lincolnshire. The king frequently describes him as his beloved knight, and he seems to

Richard de Argentine;[37] and others. Given by the hand of the Vene-

have been not only in continual attendance on the royal person, but to have been admitted to the intimacy of playing at tables with his sovereign. Being a devoted adherent of King John, he greatly benefited by the grants of forfeited estates. In 5th Henry III. (1220–21) he was appointed chief justice of the forests, from which office he was removed about three years afterwards, and also disseised of various manors; but, making his peace, he obtained restoration of his lands, a royal gift of deer for his park at Saleby Coline, and the grant of a fair for that place. In 10th Henry III. (1226) he was appointed one of the justices itinerant for Yorkshire, and in 1233 he was constituted sheriff of that county. He died in August 1234.— (Foss's *Judges of England*, vol. ii. p. 370.) He was Baron L'Isle by tenure, and died without issue.

[35] (*Page* 49.) Sir Philip d'Albini, a relative of the house of Albini, lords of Belvoir Castle, and himself a baron. He was a man of great and various ability. At one time tutor to the young King Henry III. (Matthew Paris styling him "Regis Anglorum Magister et eruditor fidelissimus"); he was appointed governor of Jersey in 1213; joined the barons' confederacy against King John; after the accession of Henry III. he commanded a large force at the battle of Lincoln, and about the same time was appointed one of the council of the Earl Marshal, the guardian of the realm. He was more frequently employed at sea than any other man of his rank, and so greatly distinguished himself in the sea-fight off Dover in 1217 that the success of that combat was mainly attributed to his valour, though he was nominally second in command to Hubert de Burgh, then governor of Dover Castle. He was a high authority in naval affairs. He made a second pilgrimage to the Holy Land in 1236, and died there in 1237.— (Sir N. H. Nicolas's *History of the Royal Navy*.)

[36] (*Page* 49.) Ralph Gernum or Gernon was a justice itinerant in 1219. He was descended from Robert de Gernon, a Norman, who, for the assistance he gave to William the Conqueror, received various lordships in Hertfordshire. His father Ralph was grandson of this Robert, and his mother was a sister of William de Breuse. He was a firm adherent of King John (at one time one of his marshals), and received several grants of land as the reward of his loyalty. In the 5th Henry III. (1221) he was appointed constable of Corfe Castle with a salary of sixty marks afterwards increased to one hundred (40*l.* to 66*l.* 13*s.* 4*d.*) In 7th and 8th Henry III. (1223-24) he was sheriff of Dorsetshire, and in the following year he was appointed one of the justices itinerant for that county, but afterwards another was substituted in his place. He died in 1247.— (Foss's *Judges of England*, vol. ii. p. 348.)

[37] Richard de Argentine, third Baron Argentine by tenure, was the son of Reginald, second baron, a justiciary in the court at Westminster early in the reign of John (1201–2), and who lost his lands by joining the barons, but had restoration in 1st Henry III. (1217). Richard de Argentine died in 1246, and was succeeded by his son Giles, who was a justice itinerant under Henry III.— (*Ibid.* vol. ii. p. 30.)

rable Father, Ralph Bishop of Chichester, our Chancellor,[38] at Faringdon,[39] the 19th day of August, in the 11th year of our reign (1227).

The Greslei of 1222 is Greslay in 1227. The grant is distinctly called a charter in its first clause. The former grant was to Robert Greslet only; this is to himself and his heirs for ever. Both grants are made with the condition that the new fair should not be to the hurt of neighbouring chartered fairs. If a person hath a right to a fair, and another erects a fair so near his that it becomes a nuisance to his fair, an action lies on the case; for it is expressed or implied in the king's grant, that it should be no prejudice to another fair. (2 *Rot. Abr.* p. 140.) The clause given within brackets, by the words "with all liberties and free customs," &c. seems to denote that the grant was of a "free fair," especially as there are no words in the grant giving Greslet any right to levy toll. Though Whatton, Baines, and Dr. Hibbert-Ware have printed the name of the manor in their copies of these grants as "Maincestre" and "Maincestria," a careful examination of both the original rolls led the official

[38] Ralph de Neville, dean of Lichfield and bishop of Chichester, styled "our chancellor" in the grant, was born at Raby Castle, co. Durham, the seat of the baronial family of that name. On the accession of Henry III. he was made deputy-keeper of the Seal, or vice-chancellor, under Richard de Marisco. He was consecrated bishop of Lichfield in April 1224. On the death of Richard de Marisco, in May 1226, Ralph de Neville succeeded to the chancellorship, which was confirmed to him (as well as the chancellorship of Ireland) for life by several charters, with the custody of the great seal. He was successively elected archbishop of Canterbury and bishop of Winchester; but neither election was confirmed by the Pope. In 1238 the king took the great seal from him; and when again offered to him he refused it. In 1242 he was restored to the king's favour, and to the chancellorship, which he held till his death in February 1244 at the mansion he had erected for the bishops of Chichester, subsequently known as Lincoln's Inn. He was wealthy and ambitious: but contemporary historians give him a high character, not only for fidelity to his sovereign in times of severe trial, but for the able and irreproachable administration of his office. He was accessible to the poor as to the rich, and dealt equal justice to all. — (*Ibid.* vol. ii. p. 423).

[39] The place where this charter was granted was probably Faringdon, co. Hants, a small parish three miles south by west of Alton.

transcriber to the belief that in every case the word was "Mamecestr."[40]

As to the regulations of fairs, the first statute appears to have been the 13th Edward I. statute 2 cap. 6 (1285.) — The king commandeth and forbiddeth that from henceforth neither fairs nor markets be kept in churchyards, for the honour of the church. Then the statute of the 2 Edward III. cap. 15 (1328), requires the sheriffs to cry and publish, within liberties and without, that all the lords which have fairs (be it for yielding certain farm to the king or otherwise), shall hold the same for the time that they ought to hold it, and no longer; to wit, such as have them by the king's charter granted them, for the time limited by the said charter, &c. And that every lord at the beginning of his fair shall there cry and publish how long the fair shall endure, to the intent that merchants shall not be at the same fairs over the time so published, upon pain to be grievously punished. Nor the said lords shall not hold them over the due time, upon pain to seize the fairs into the king's hands, there to remain till they have made a fine to the king for the offence, after it be duly found. — By the 5 Edward III. cap. 5 (1331), no merchant shall sell any goods or merchandise at a fair, after the time of the fair is ended, under the penalty of forfeiting double the value of the goods sold, one fourth part thereof to the prosecutor, and the rest to the king. — Tenants in ancient demesne were free and quit from all manner of tolls in fairs or markets, whether holding in fee, or for life, for years or at will. — (2 *Inst.* p. 221.) The fair granted by the above charter is that still known as Acres or Aca's fair, and was held on the site of St. Ann's Square and vicinage (formerly called Four

[40] Mr. Whatton, in his *Observations on the Armorial Bearing of the Town of Manchester*, &c., published 1824, (p. 19), states, with respect to the two grants of a fair to Manchester, that "copies of these charters are lodged in the town's chest, and are in custody of the boroughreeve for the time being." This is probably an error; for in the various lists made from time to time of the documents in that chest, the oldest being carefully written on a parchment roll preserved in the chest itself, no such documents are ever named.

Acres, and about four of the large Lancashire acres in extent), till early in the present century, when it was removed to Camp Field. The days were changed with the style, from the 20th, 21st, and 22nd September to the 1st October and two following days, and the chief articles of sale are horned cattle, horses and pigs. For the form of proclamation of this fair, and some old customs, see Dr. Hibbert-Ware's *History of the Foundations*, vol. iv. pp. 40–41. From a later document we shall see the tolls taken in Mamecestre market and fair, on goods and commodities brought thither for sale.

CHAPTER VI.

THIRTEENTH CENTURY LAW-MAKING.

THE thirteenth century was a memorable one, both for its legislation and for its collecting together and embodying in one document the great principles of the British Constitution.[41] Seven

[41] Any details as to the history of early British and Saxon laws would be out of place in this volume; but a few facts may be stated. The British laws are supposed to have been translated into Anglo-Saxon about A.D. 590, and to have been published about 610, under Æthelbert. Doubtless he modified them in forming his own code, which are said to be the most ancient English laws extant. There were in Alfred's reign three different codes recognized in different parts of England. In 877–890, when he spared the Danes, Northumbria was under "Dane-Lage;" Alfred himself compiled for Wessex the "West-Saxon-Lage;" and throughout Mercia and the Welsh marches the prevailing law was the "Mercen-lage," which contained various old British laws. About A.D. 966, Edgar compiled from these three combined, one general code. In 1015 Canute caused a new code to be drawn up at Winchester, confirming the three codes, and relieving them of some of the feudal services. About 1065 Edward the Confessor revived the Anglo-Saxon judicature, and compiled a code, on the basis of the West-Saxon lage, incorporating therewith the best of the Danish and Mercian laws, in two principal divisions, — civil and criminal. The former secured the estates by the old tenures of "Boc-land" (*i.e.* charter land, free and saleable) and "Soc-land" (*i.e.* held by payment of a yearly rent, with some personal service by the tenant). The Confessor's code comprised thirty-nine chapters. William the Conqueror collected these, with large alterations (introducing feudal tenures and stringent forest laws) into seventeen chapters, and added four more chapters relating to pleas of courts. In 1100 was granted the charter or "Institutions" of Henry I., which has been too flatteringly styled "the first charter of English liberties." It embodied various laws of Edward the Confessor, with great additions and alterations of his own, chiefly calculated for regulating the county courts. By this charter the king abolished the great grievances of marriage, ward and relief; also the curfew: but he fell far short of a restitution of the laws of King Edward the Confessor. Theft was during his reign made a capital offence. The reign of Stephen is chiefly remarkable in the history of legislation for the introduction of the Roman civil and canon laws into this realm. In the reign of Henry II. while the feudal claims of marriage, ward

centuries and a half after the supposed first landing of the Saxons in England, and one hundred and forty-nine years after the Norman Conquest, there was a great assemblage on a grassy plain of one hundred and sixty acres, on the banks of the Thames, between Staines and Windsor, — a spot immortalised in our history by its name of Runnymede. Here on Trinity Monday, June 15, 1215, came on the one side that weak, profligate and perfidious despot, John "Lackland," with Pandulph, the papal legate, eight bishops, obeying the pope against their country's weal, and not more than fifteen noblemen and knights. On the other side stood Stephen Langton the primate of England and the soul of the enterprise, and with him the barons composing "the army of God and the Holy Church," the entire nobility of England. For five days the barons urged their various articles or heads of agreement, which were one by one reluctantly yielded by the king; and these were afterwards embodied in the form of a charter, which, from its momentous value in securing the rights and liberties of Englishmen through ages of oppression, has been named the Great Charter — "Magna Carta." To this charter the royal seal was affixed at Runnymede on Friday the 19th June; but it is dated on the 15th, the first day of this remarkable conference. Besides the clauses in this charter which confirm those of a charter of the preceding February as to the special rights of the clergy, and the other classes of provisions for restoring and preserving the rights

and relief, seem to have been enforced with general success, much was done to methodise the laws, and reduce them into regular order. — (*Vide Glanvil.*) The remarkable points in this reign were the constitution of the parliament at Clarendon in 1164, by which the king checked the power of the pope and his clergy; the institution of the office of justices in eyre, *in itinere*, — the kingdom being divided into six circuits, and the judges administering justice and trying writs of assize in the several counties; the introduction and establishment of the grand assize or trial by jury in a writ of right, in place of the barbarous Norman trial by ordeal; and the introduction of escuage, or pecuniary commutation for personal military service, which in process of time was the parent of the ancient subsidies granted to the crown by parliament, and of the land-tax of later times. For the whole subject of our early laws see Flintoff *On the Rise and Progress of the Laws in England and Wales.*

of the barons and knights, and those of the freemen and even the serfs, as well as those securing the ancient customs and liabilities of cities and boroughs, and protection to foreign merchants trading in England, — the great charter contains many clauses which secure the rights and liberties of the English people as a whole; by providing for the pure, speedy, fixed and uniform administration of justice; by prohibiting arbitrary punishment of any kind, and especially arbitrary imprisonment; and by declaring the person and property of every freeman under the solemn and sacred protection of equal laws. The great charter contains sixty-three short chapters or articles, of various degrees of importance, including even the regulation of wears in rivers; but the two "essential clauses," the "crowning glories" of this great document of liberty and right, are chapters thirty-nine and forty, which are thus translated: —

39. No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished, or any ways destroyed; nor will we pass upon him, nor will we send upon him,[42] unless by the lawful judgment of his peers, or by the law of the land.

40. We will sell to no man, we will deny or delay to no man, either justice or right.

These two articles protect the personal liberty and property of all freemen, by giving security from arbitrary imprisonment and arbitrary spoliation. — (*Hallam.*)

This great charter was doubtless the model for all smaller grants of liberties and rights, of free customs, franchises and immunities, from the crown or the chief barons to the freemen and burgesses of cities, town and boroughs; and at a later period we may have to cite some of the enactments of Magna Carta, as exemplars in this way. At present it may suffice to state that the original Magna Carta of Runnymede nowhere appears upon our statute-book;

[42] John had been in the habit of *going* with, or *sending*, an armed force, lawlessly to seize the castles and lands of those he deemed hostile to him.

which usually commences with a later version of it "made in the 9 King Henry III. (1225), and confirmed by King Edward I. in the twenty-fifth year of his reign" (1297). John died soon after the grant of the great charter; and the first act of the great earl of Pembroke, as protector of the kingdom, on the accession of Henry III. was to renew this charter (12th November 1216), but with several changes. The provisions concerning the manner and reason of levying scutages were omitted. The temporary stipulations as to the troops and allies of John and his barons respectively, were of course not copied. The provisions for empowering twenty-five barons, elected by the whole body of the barons, to redress violations of the charter, were not renewed.[43] In the next year

[43] Mr. Thomson, in his *Historical Essay on Magna Carta* (pp. 29 *et seq.*) observes that "The greatest security of Magna Carta was that twenty-five barons were elected by the rest to enforce the observance of all which this instrument contained. The peers entrusted with this authority were certainly some of the most celebrated of their time, both with regard to their descent, to valour, and to intellectual endowments." Their names were —

1. Richard de Clare, sixth earl of Clare.
2. William de Fortibus, seventh earl of Aumerle or Albemarle.
3. Geoffrey de Mandeville, earl of Essex and Gloucester.
4. Saher de Quincy, first earl of Winchester.
5. Henry de Bohun, earl of Hereford; lord high constable.
6. Roger Bigod, third earl of Norfolk; steward of England.
7. Robert de Vere, earl of Oxford; lord great chamberlain.
8. William Mareschall the younger, second earl of Pembroke.
9. Robert Fitz-Walter, baron of Dunmow.
10. Gilbert de Clare, earl of Gloucester and Hertford (son of No. 1).
11. Eustace de Vescy, third baron Vesci.
12. William de Hardell, lord mayor of London.
13. William de Mowbray, baron de Fronte Bœuf and fourth baron Mowbray.
14. Geoffrey de Say, fifth Lord Say.
15. Roger de Mumbezon [first baron Mont-Begon].
16. William de Huntingfield, first baron Huntingfield.
17. Robert de Ros, fourth baron Roos.
18. John de Lacy, constable of Chester, and baron of Halton.
19. William de Albiniac, Albany or D'Aubeney, third baron Albini.
20. Richard de Percy, fifth baron Percy.
21. William Malet, baron of Malet, lord of Corey Malet, co. Somerset.

(1217) the charter of liberties was granted again, and some words of infinite value were added to the clause by which the king binds himself to respect the property and the personal rights of his subjects. The charter was again renewed by Henry III. in the ninth year of his reign; at which time the Charter of the Forest was granted, whereby many of the most atrocious iniquities of the earlier game laws were redressed. The two charters were five times renewed (with some temporary variations) between this period and Henry's death; but it is in that form which was promulgated in the 9 Henry III. that it appears at the head of our statute-book, printed from the *Inspeximus* and confirmation of it by Edward I. In this form (comprised in thirty-seven chapters) Magna Carta has been solemnly confirmed by our kings and parliaments upwards of thirty times. In the 25 Edward I. (1297) in the statute usually called "Confirmatio Chartarum," it received an extension, protecting towns and cities from the king's power to levy money from them at will, under the name of talliages. By the new provisions of this act all private property was secured from royal spoliation, and placed under the safeguard of the great council of *all* the realm. To Magna Carta may be traced either the origin or the recognition of the great principles of our constitution, — an hereditary monarchy, of limited powers; a representative system by hereditary peers, and elective representatives of the commonalty. That without sanction of parliament no tax can be imposed; no law can be made, repealed or altered. Every man's person and property protected by equal law. Trial by jury. Justice shall not be denied, sold or delayed. — (Creasy *on the Constitution*).

We have named the Charter of the Forest, which, passed in February 1225, was confirmed 28 Edward I. 1299. It comprised

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22. John Fitz-Robert, baron Fitz-Robert.
23. William de Lanvalay, second baron Lanvallei.
24. Hugh Bigod (eldest son of No. 6), fourth earl of Norfolk.
25. Richard de Muntfichet, fourth baron Montfichet.

sixteen chapters; directed that various woods, &c., which had been afforested by Henry II., Richard I. and John, should be disafforested; all possessors of forests to have them as at the first coronation of Henry II. quit for ever of all purprestures, wastes and assarts.[44]

[44] It is doubtless in conformity with this statute that there was a "Perambulation of the Forests of Lancashire" in the 12 Henry III. (1227–28). A Latin copy of the record will be found in Baines's *Lancashire* (vol. iv. appendix ii. p. 754).

These are the twelve knights of the county of Lancaster who made perambulation of the forests by the precept of the lord the king, to wit — William Blundell, Thomas de Bethum, Adam de Bury, William de Tatham, Adam de Coupynwra [Caponwray] Adam de Molyneux, Gilbert de Killet, Paulinus de Gairestang, Patrick de Berwyk, Henry de Lee, Grymebald de Ellale, Thomas de Burnhull; — who say that the whole county of Lancaster ought to be disafforested, according to the tenor of the Charter of the Forest, except the woods underwritten. In the first place, QUERNMORE, by these bounds, to wit, just as Langtwayt stretches itself towards the Erlesgate, descending as far as to the bridge of Musart Sikets [ditch] descending to the Frithbrok, following the Frithbrok descending to the Lone, following the Lone ascending to the Eskbrok, ascending and following Maybrigge, ascending to Hankesdame, following the sikets [ditch] of Hankersdame, ascending to the sikets [ditch] which is under Vllethwayt, and from that sikets to Storchag, and from Storchag to the east part of the head of Brounesgate; following Brounesgate ascending to the top of the head of Cloghok, and from the top of the head of Cloghok to the top of the head of Damerisgele, descending thence to the sikets which is between two marked oaks ["marbes arres;" forté marcas accas] following the Silcok to Blemes, following the sikets to Condonē, following the sikets to the moss under Eghlotesheved; following that moss ascending to the road [*iter*] of Stokthwayt, following the road ascending to the Erlesgate. And moreover, outside these bounds John the king gave a certain part of that forest by his charter to Matthew Gernet and his heirs, paying therefor yearly half a mark [6*s.* 8*d.*] Saving his venison, and therefore the lord the king may do his will.

And, moreover, COUET and BLESEDALE by these bounds, to wit: From the head of Calder on the south part to Wlnsty and from Wlnesty to the top of the head of Pirlok, and from that summit following the Merleigh, descending to where the Merlogh falls into the Broke at Thorpin Lees, following the brok and descending to the watercourse [*ductū*] in the east part of Wonesnape, following Wonesnape to Stayngile, and from Stayngile to Comistis, and following Comisty descending to the Calder, following it ascending to the aforenamed Wlnsty.

And, moreover, FULWODE by these bounds: From Haya Rainsgil to the way of Sepal, and thence as far as to the watercourse [*ductus*] that goeth to Colefordin-le-Ferms, and thence as far as where it falls to Codelische, and thence to the hay

Various other abuses were abolished, and forest customs reverted to what they were at the coronation of Henry II. (19th December

of Rannislyt. And the men of Preston ought to have their timber for building and for burning, and pasture for their cattle.

TOXTATH by these bounds: As far as where Oskelesbrok falls into Mersee, following Oskelesbrok, ascending to the park of Magewom [? Maghull], and from the meadow to Bromegge; following the Bromegge to the Brounlawe, and thence crossing to the old turbaries between two marshes to Lambisthorn, and from Lambisthorn descending to the Watirfall at the head of Stirpull [? Lirpull], following and descending to the Mersee. Near these bounds the lord John the king placed Smethdoun with its appurtenances in the same forest; and gave Thyngwall with whatsoever poor, in exchange for . . . . . , and therein the king may do his will.

Further, moreover, the wood of DERBY by these bounds: From Bradi stone in Hargunkar as far as, by the midst of the kar, to Hassihurst, and so to where *Simita* (?) goeth out of the grove [*Nemore*] to Longlegh, which stretches from Derby into Kyrkeby, and so beyond Longleh into Mikkyll brok, and ascending from Mikkyll brok to Blakbrok, ascending from Blakbrok into Throunthorne-dale-brok, and so ascending to the plains. And the men of the place [*Vicum*] have common and herbage and other things in the aforesaid wood, and the men of Derby have all necessaries in the aforesaid wood.

Also, moreover, BURTON WODE by these bounds, to wit: From Hardisti to Sonky, and from Raveslache to Bradeleghbroke; so that William Pincerna [Butler] and his heirs may have common of pasture for their cattle in store [*staurum*], and pasnage for their swine, and timber for their castle and buildings, and for burning.

Further, we the jury say that CROXTATH PARK was put within pales after the coronation of King Henry your grandfather, and belongeth to Knouselegh, to the heir of Robert son of Henry: and ought to be disafforested according to the tenor of the Carta de Foresta.

We further say that ALTEKAR was put within pales after the coronation of King Henry your grandfather, and belongs a certain part to the vill of Ines [Ince], and to Ramsmelis, and to Fornoby, and to Holand, and to Lydgate, and ought to be disafforested.

Also we say that the vill of HALIS [Hale] it was shown that your grandfather the king took an unfenced part of it from the wood after his coronation, from Flaxpolis to Quyntebriche, and the king gave the said vill of Halis in entirety with its appurtenances to Richard de Mide by his charter of forest, and that it ought to be disafforested according to the tenor of the Carta de Foresta.

Also we say that SYMONDES WODE was inclosed with pales after the coronation of King Henry your grandfather, and belongs to Kyrkeby, to the heir of Richard, son of Roger, and ought to be disafforested according to the tenor of the Carta de Foresta, &c. — (*Lansdowne MSS.* Cod. 559, fo. 55, s.s.)

1154). The penalty for killing the king's deer was no longer to be loss of life or limb; but fine or imprisonment. Freemen might have within their own woods aëries of hawks, sparrow-hawks, falcons, eagles and herons; and also the honey found within their woods.

Edward I. (whose reign includes the years 1272–1307), has been justly styled our English Justinian; and Sir Matthew Hale affirms that more was done in the first thirteen years of his reign to settle and establish the distributive justice of the kingdom than in all the ages since that time put together. He established, confirmed and settled the Great Charter and the Charter of the Forest; greatly limited the bounds of ecclesiastical jurisdiction; defined the respective limits of the high courts of jurisdiction; settled the boundaries of inferior courts in counties, hundreds and manors; abolished arbitrary taxes and talliages, levied without consent of the national council; relinquished the royal prerogative of sending mandates to interfere in private causes; regulated the system of fines in the Court of Common Pleas; established a repository for the public records; instituted watch and ward, for preserving the public peace, and preventing robberies; reformed many abuses as to tenures, and removed some restraints on the alienation of landed property, by the statute of "Quia Emptores;" instituted a speedier recovery of debts, by granting execution on lands as well as on goods and chattels; provided for the recovery of advowsons as temporal rights; stopped the alienation of lands to the church by repeated statutes of mortmain; established a new limitation of property by the creation of estates-tail; and he reduced all Wales to the subjection not only of the crown but in a great measure of the laws of England. — (Flintoff's *Rise and Progress of the Laws of England.*)

In the 6 Edward I. (1278)[45] amongst the statutes made at

[45] A preceding statute — that entitled "Extenta Manerii," having especial reference to the subject of this book — is reserved for a separate notice. (See chap. x. *post.*) It was passed 4 Edward I. (1276).

Gloucester was the one entitled of "Quo warranto," so named from the writ issued under it, requiring all prelates, earls, barons and others, and all claiming liberties, to show to the justices how and in what manner, and by what authority or warrant — "quo warranto" — they held them. If they did not appear before the justices, the liberties were to be seized into the king's hands till they showed their right to them. If they appeared and failed to show a just claim, the liberties passed from them to the king. The liberties specified as examples in the statute are view of frank-pledge or courts-leet, right of taking toll, &c.

On the 15th November (7 Edward I.) 1279, was passed the statute of mortmain, the preamble of which recites that notwithstanding the late provision (Magna Carta of 9 Henry III. cap. 26) that no land should be given in mortmain [dead-hand, *i.e.* to any religious house] — the practice was continued, and religious men entered into fees, without license and will of the chief lord, whereby the services due from such fees were wrongfully withdrawn, and the chief lords lost their escheats of the same; and the statute enacts that no land shall be alienated in mortmain, upon pain of the forfeiture thereof to the chief lord.

The statute of merchants, or of Acton Burnel, where it was made 12th October 1283 (11 Edward I.) required a merchant's debtor to make an acknowledgment of the debt before the mayor of the city, which, if he failed to pay the debt on the day fixed for payment, authorised the sale of his moveable goods, chattels, &c., and in default of goods, the debtor to be imprisoned till he or his friends make agreement to pay the creditor; who, if the debtor cannot maintain himself in prison, is at his cost to provide bread and water; to be repaid for this when the debt is paid.

The second statute of Westminster, Easter 1285 (13 Edward I.) made various enactments as to the transfer of real property, especially as to gifts in tail, the rights of wives, remedies for the usurpations of advowsons of churches, providing writs for peculiar cases, masters' remedy against servants, indictments before sheriffs' tourns, the process on an action of waste, wardship, lord and

tenant, lands whereon crosses are set up to be forfeited as mortmain, rape, distress, juries, fees of the officers of justices in eyre, usurpation of commons, taking of salmon, and many other matters of various importance, and of strangely diverse nature.

The statute of Winton or Winchester, made 8th October 1285 (13 Edward I.), in six short chapters, enacts the pursuit of felons and robbers from town to town, making the county answerable if they be not taken; fixing at what hours the gates of great towns shall be shut, and when the night watch shall begin and end; prescribing the breadth of highways from one market town to another, and the removal from their sides of bushes and underwood, where a man may lurk to do hurt; regulating what arms a man is to keep according to the quantity of his lands or goods; requiring bailiffs, &c., to follow the hue and cry; and prohibiting fairs and markets from being kept in church yards.

The third statute of Westminster, named from its first words "Quia emptores terrarum," made in 1290 (18 Edward I.) enacts in three chapters that the feoffee shall hold his land of the chief lord and not of the feoffor; that if part of the land be sold, the services due shall be apportioned; and that no feoffment shall be made to assure land in mortmain.

Two statutes of *quo warranto*, made in 1290, explain and amend that of 1278; among other things providing, in order to save expense, that all pleas of *quo warranto* are to be determined in circuit, and all pleas then depending to be adjourned into their own shire till the judges come.

The last statute we shall notice is that of confirmation of the Magna Carta and the Carta de Foresta, made 1297 (25 Edward I.), which declares that all judgments given contrary to the said charters shall be void; requires that both charters shall be read to the people in all cathedral churches twice a year; enacts that aids and taxes granted towards wars, &c., of the good will of the people, shall not be drawn into a precedent or custom; and that no aid or prise shall be taken by the king but by consent of the realm, and for the common profit thereof; and — many having

found themselves sore grieved with the king's toll of forty shillings for every sack of wool—the king releases that toll, and grants that he will not take it again without the common assent and goodwill of the people. Such was the body of beneficent legislation, the product of a single century.

To the Reader.

Vol 53

The text of the Charter, of which the Frontispiece to the preſent Volume is a fac-ſimile, *will be printed in* Chapter XIII. Vol. II. *The Introduction to the Work is neceſſarily poſtponed till the completion of its ſecond and concluding Volume.*

Mancheſter,
January, 1861.

marks of a strict and regular feud. It was granted by words of pure donation, was transferred by investiture or delivery of the corporal possession of the land, usually called "livery of seisin," and was perfected by homage and fealty. Its proper service was to attend the king in his wars. And, as the lords were bound to bring with them a certain number of armed followers, to this purpose they generally found it necessary to parcel out portions of their lands amongst their retainers, to be held of themselves by the same military tenure as that by which they themselves held of the king. To make a tenure by knight-service, a determinate quantity of land was necessary, which was called "a knight's fee;"[46] and he who by such sub-grant held this proportion of land (or a whole fee) by knight-service, was bound, if called upon, to attend his lord to the wars for forty days in every year; which attendance was his return, rent, or service for the land he held. If he held only half a knight's fee, he was only bound to attend twenty days; and so on in proportion. Originally, it is supposed, this was the only service consented to by the freemen, or the council for them; but subsequently were introduced, as the consequences of this tenure, various regular appendages of the feudal system, chiefly these seven, — aids, relief, primer seisin, wardship, marriage, fines for alienation, and escheat. This is not the place to notice two other kinds of land tenure, — soccage, or freehold

[46] A knight's fee *(feodum militare)* was so much inheritance as was sufficient yearly to maintain a knight with convenient revenue; which *temp.* Henry III. was *15l.* — (Camden's *Brit.*) But Sir Thomas Smith (in his *Repub. Angl.*) rates it at *40l.*, and by the statute for knights (1 Edward II. cap. 1, 1307–8) such as had *20l.* per annum in fee, or for life, might be compelled to be knights; which statute was repealed by the 17th Car. I. cap. 20. Stow, in his *Annals*, says there were found in England at the time of the Conquest 60,211 knights' fees; whereof the religious houses before their suppression were possessed of 28,015. According to the *Monast. Angl.* eight carves of land make a knight's fee; but again it is said that a knight's fee contained twelve plough-lands (2 *Inst.* fol. 596) or 680 acres. Cowell says that a yard-land contained twenty-four acres, four yard-lands made one hide, and five hides made a knight's fee, whose relief was *5l.* But we are relieved from reconciling these discrepant quantities and values by the statement in the *Testa de Nevill* of Lancashire itself (p. 408) that "in this county twenty-four carves [or plough-lands] make one knight's fee."

tenure, and tenure in villenage. The number of knights' fees in a barony or in a manor, and the various fragmentary portions into which, by sub-infeudation, a single fee was carved out amongst a number of sub-feudatories, led to the necessity of each chief lord of the fee keeping a sort of record or list, enumerating the several entire fees and parts of knights' fees in his lordship, and this document was called a *feodarium* or *feodary*. Amongst the most ancient of these feodaries are two old books of record in the King's Remembrancer's Office of the Court of Exchequer, called the *Testa de Nevill*,[47] or *Liber Feodorum*, which contain an account as to the whole of England, of fees, of whom held, and of what value; of serjeanties, widows and heiresses whose marriages were in the gift of the king; churches in the gift of the king, and in whose hands they were; escheats, in whose hands and by what services holden; and the sums paid by tenants for scutage, aids, &c. These books appear to have been compiled (excepting the original portion, the *Testa de Nevill* proper) near the close of the reign of Edward II. or the commencement of that of Edward III. (say about 1325–1330), partly from inquests taken on the presentments of jurors of hundreds before the justices itinerant, and partly from the injunctions upon writs awarded to the sheriffs, for collecting scutages, aids, &c. As the printed volume is accessible, we present a translation only of so much of this ancient record as relates chiefly to the hundred of Salford, so as to include the greater part of the ancient barony of Mamecestre. It is necessary, however, to bear in mind that the entries in the printed copy from the old *Testa de Nevill* (written *temp.* Edward I.) are to be distinguished from those in the compilation written perhaps twenty years later, yet all bearing the same general title, and not very clearly separated. The printed *Testa* is arranged in counties, and co. Lancaster is given in two distinct parts of the volume, viz. two pages (371–372) in one place, and sixteen pages (396–411) in another. The former contains little in relation to our subject; the latter begins

[47] So named from its supposed compiler, Ralph de Nevill, an accountant in the exchequer and collector of aids in the reign of Henry III.

with the more recent compilation, and gives, under separate titles or headings, the fees of the great holders of estates in Lancashire, and their sub-infeudations, as found by the inquisitors under each hundred or wapentake respectively. The head "De Testa de Nevill" [proper] occurs first under Lancashire, p. 401, and is immediately followed by a second head, intimating that an inquisition of the county was taken by the oath and fealty of seventeen knights, as to tenements given and alienated under the Lime in co. Lancaster. The knights were Roger Gerneth' de Burg', Robert de Lancaster, Adam de Midelton, Richard de Burg', Walter son of Osbert, Walter son of Swane, William de Wynewic, Richard son of Swane, Richard son of Robert, William Blundel, Robert de Anielesdale, Richard de Orhull, Richard de Perpont', Alan de Rixton, William de Radeclive, Alexander de Pilkington, and Henry de Trafford.[48] This jury of knights appear to have commenced their inquisition in the north of the county, and to have proceeded southward; and it is not till they inquire respecting the barony of Penwortham that the name of any Greslet occurs, viz. "Robert holds three carves in Burnhull and Anderton, and two carves in Eston, all of that barony." Under the next head, "Drengagia," occur a number of entries, relating to the Greslets, by the Christian names of Robert, Robert that now is, Albert, Albert *Senex* or *Senior*, and Albert *Juvenis* or *Junior*. Though it is impossible in every case to assign rightly the three Christian names used, amongst the Greslets; we think it is clear that this feodary

[48] These knights' names enable us to approximate the date of this inquisition. Roger Gernet in 1207 gave sixty marks to have all the bailiwick of the king's forest which William Gernet, his brother, had. — Walter, son of Osbert, in 1201 gave the king a palfrey to have his land of Saleswic. — Walter, son of Swane, was a surety for another in 1201. — William de Wynewic in 1201 gave the king ten marks and two palfreys to have thirty acres of land in Thorinton. — Richard, son of Swane, with two others gave twenty marks and a palfrey to have twelve oxgangs of land in Goosnargh. Alan de Rixton joined others in a gift of forty marks and a horse for the chase, in 1200. — In the same year William de Radeclive gave ten marks to have an inquiry. In 1205 Henry de Trafford gave twenty shillings for his relief of half a carve of land in Trafford. — These facts appear to limit the date of the inquisition of Lancashire within the first few years of the reign of John, 1200–1207.

includes entries of five Greslets, barons of Mamecestre, beginning with Albert *senex*, the third baron, and ending with Robert, seventh baron. The next head under which the name of Greslet occurs is a singular one — "In this county twenty-four carves make one knight's fee." To this succeed various heads of serjeanties; and the last head under this county is again "De Testa de Nevill." None of its entries, however, come within the scope of this work. The subjoined are *selected* entries under the heads specified. The modern names of places at the beginnings of paragraphs are added to facilitate reference: —

TESTA DE NEVILL.

Co. LANCASTER. — SALFORD HUNDRED.

Richard de Hilton [Hulton][49] holds the wapentake of Salfordshire in serjeanty[50] at the will of the lord the king. — (fol. 372.) Inquisitors[51]

[49] This Richard de Hulton was probably a younger son of Jarverth, and father of David, who inherited Hulton from his uncle Robert. Richard seems to have had a grant from Edith de Barton (with consent of her husband, Gilbert de Notton) of lands in Barton held of her by his father Jarverth. — (*Vide Testa de Nevill, post. sub* Barton.) In the 32 Edward I. (1304) a Richard de Hilton had a grant of free warren over Hilton [Hulton] and Ordeshale. — (*Cal. Rot. Chart.* fol. 135.)

[50] Serjeanty (*serjeantia*) signifies in law a service that cannot be due from a tenant to any lord, but to the king only; and this is either *grand* or *petit* serjeanty. Grand serjeanty is a tenure, whereby one holds his lands of the king by such services as he ought to do in person to the king at his coronation; and may also concern matters military (as to bear the king's banner or spear, or lead his host), or services of honour in peace, as to be the king's butler, carver, &c. Petit serjeanty is where a man holds lands of the king, to furnish him yearly with some small thing towards his wars, as sword, dagger, bow, &c.; and in effect payable as rent. — (*Jacob.*) The serjeanty in the text was a civil service of honour, — the charge of the hundred or wapentake of Salford. In the 1 John (1199) Elias, son of Robert, held the wapentake in serjeanty; and in the 17 John (1215–16) John, son of Elias, gave the lord the king forty marks (*26l. 13s. 4d.*) and two hunting horses [*Cassurus*, pro Chascuris] to have confirmation or charter of the serjeanty of Salfordshire.

[51] From this point to the end of the entry under the head of Lindsey, every entry in the printed copy of the *Testa* occurs twice, not from any error of the press, but because folios 785 to 795 of the original MS. are copied (not *verbatim*, but in a somewhat abridged form) in folios 795 to 802 of the same MS. Feodary. This duplication enables us to correct literal errors in local and personal names; following in the text

of the wapentake of Salefordeshire: Award Tagun, Ralph de Hanekotes (Anekotes) [Ancoats],[52] Richard de Cholreton (Chorlton), Robert de Cholreton, Robert de Foriswrth' (Snisworth) [? Shoresworth][53] William de Ecclesiis (Ecclis) Thomas de Pul. — (Fol. 397.)

BURY. — Adam de Bury holds one knight's fee in Bury, of the fee of the earl of Lincoln, and he of the earl of Ferrars, and he in chief of the lord the king, and it belongs to the dower of the countess of Lincoln.[54]

MIDDLETON. — The heir of Robert de Midelton holds one knight's fee in Midelton of the said fee, and it belongs to the dower of the countess.

the first and fullest entries, and putting variations found in the abridged and duplicate entries within parentheses.

[52] See note on Ralph de Emecote, under Mamecestre, *post*.

[53] A Robert de Shoresworth was a witness to a deed of Agnes, daughter of Gilbert de Barton. A Robert de Scoresworth witnessed a quit-claim of William, son of William, clerk, of Eccles (another of the inquisitors named in the text) of lands in Eccles to the abbot of Stanlaw. A Robert de Sorisworth was a juror on the inquisitions of 1282 as to the possessions of Robert Greslet, seventh baron. — (Dr. Keuerden's *MSS.* in Her. Coll.) There was a messuage and sixty acres of land appertaining in the township of Pendlebury, and in the manor of Ordsal, which bore the name of Soresworth or Shoresworth.

[54] This knight's fee in the township of Bury shows how tenures existed. Its occupier held of the earl of Lincoln, probably as part of the honour of Clitheroe, held by the Lacies. They in turn held of the Ferrers, who were chief lords of the county, and the Ferrers in turn held their possessions directly of the king. But the paragraph in the text states that this knight's fee in Bury (and we see there were two others in Middleton and Chaderton) formed a portion of the dower of some countess, apparently living at the time of the record. This lady was Margaret, daughter and coheiress of Robert de Quincy, by his wife Hawise, fourth sister and coheiress of Randle Blundeville, earl of Chester and Lincoln, who in the distribution of his lands and honours gave her the latter earldom; so that her daughter Margaret was countess of Lincoln in her own right. Henry III. by patent of 23rd November 1232, granted to her husband John de Lacy, and his heirs by Margaret, the title of earl of Lincoln. It was their grandson Henry de Lacy who was the last and greatest man of his line. He died in February 1310, aged sixty years. This Adam de Bury, by deed without date gave to Henry, son of Gilbert de Redivales, an acre of land lying near Podeks (?), Denebrok, between the Dumplanes and Bextamsike, with all easements to the vills of Walmersley and Robholes belonging, for the yearly rent of a penny at the feast of St. Oswald, for all secular services. By another dateless deed John, son of Hugh de Newbalt, quit-claimed to Sir Adam de Bury and heirs all the land of Newbald and three acres within the bounds of Bury, in a certain place called Bradeley. — (Dr. Keuerden's *MSS.* in Her. Coll.)

CHADDERTON.—Gilbert de Warton (Barton) holds a fourth part of a knight's fee in Haderton (Chaderton) of the said fee, and it belongs to the dower of the countess.

PENDLETON.—The heir of Richard de Hilton (Hulton) holds a sixth part of a knight's fee in Penilton of the fee of the Earl of Ferrars, and he in chief of the lord the king.

THE FEES OF THOMAS DE GRETLEY.[55]

BARTON.—Gilbert (de) Barton holds one fee and half a knight's fee in the same (vill), of the fee of Thomas de Gretley, and he of the fee of the earl de Ferrars, and he in chief of the lord the king.[56]

[55] This was Thomas de Greslet, sixth baron, whose baronial life may be limited by the years 1231–1262.

[56] The sub-infeudation is here again shown. Was this Gilbert Barton the same with Gilbert de Notton or Newton, who, in a subsequent part of the *Testa de Nevill*, is said to hold in Barton, with the lady of Barton, a knight's fee and a half in drengage? Nothing was more common than for an individual or a family, on settling in a new home, to drop the name of their old and assume that of their new estate or abode. A Richard Hulton (? the same who held the hundred of Salford in serjeanty) had a grant of the lands in Barton, of Edith de Barton, by the consent of Gilbert de Notton (co. York) her husband. Did Gilbert de Notton become de Barton, by marrying Edith de Barton, "the lady of Barton?" We think reference to a few deeds of Barton very badly transcribed in an abridged form by Dr. Keuerden, will furnish ground for believing that such was the fact. By deeds without date Gilbert de Barton, son of William de Noden (? Notton or Newton), gave to P. de Dumplington a parcel of land called "Cockney," for a yearly rent of 12*d.* at Pentecost, which was by another deed reduced to 6*d.* Then Agnes, "primogenito" [*sic*] daughter of Gilbert de Barton, quit-claims to Robert Gredley, all the right in Barton, and all its members which had been her mother's, Edith [or Cicely] de Barton, and her brother John's. Whom Agnes married does not appear, but she had a daughter Loretta. Some obscure deeds show that Gilbert de Barton conveyed the manor to Aaron, son of Josias (?) (Jocij) Jew of York, who re-conveyed it to Gilbert for life, with remainder to John, son of Gilbert, and heirs; then to Agnes, sister of John; then to the right heirs of Gilbert. This seems to indicate that John, son of Gilbert, dying without issue, Agnes became sole heiress. There is a curious but imperfect deed by which John, son of Gilbert de Barton knight, gives to Robert de Grelle, lord of Mamecestre, the homage and service of eighteen persons named. By another deed he gave to Robert Grelle lands and a mill in Barton, with a fishery in the Irwell. Then John, son and heir of Gilbert de Barton, quit-claims to Roger [*sic*, ? Robert] Grelle all his right, &c., in all the manor of Barton, with all the hamlets belonging to the manor, viz. Aspull, Brunsop, Halton, Haliwel, Brighorde, Farnworth, Northden, Eccles, Monton,

WITHINGTON. — Matthew de Haverseg' holds one knight's fee in Wythinton of the said fee.[57]

CHILDWALL, PARBOLD AND WRIGHTINGTON. — Robert de Lathum[58]

Mertrich, Westwood, Withington, Newham, Irwilham, Bromihurst, Hulme, Dumplington, Quitlewick and Crompton with Boterword; with the homages and services, as well of the free tenants as of the villeins; and all the land which Cicely [or Edith] held in dower in the vill of Barton. There is also an imperfect deed, the grantor of which is "Cecilia qui fuit uxor Gilberti de Barton." In 1345 John la Warre, lord of Mamecestre, and Joan his wife (Thomas Greslet's sister) gave to Thomas, son of Robert del Both, thirty acres of pasture in Barton; and in 1365 Roger la Warre, lord of Mamecestre, granted to Thomas del Both of Barton all lands which had been those of John, son of Gilbert de Barton.

[57] This name Haversege is probably Haver-sack, *i.e.* a bag for oats, which were called Havers. So an oat-cake was called a haver-cake, and there is an old MS. recipe for drawing any living insect out of the ear, which in modern English reads: "Take a hot haver-cake, and lay it down, and lay thine ear thereon as hot as thou canst thole [bear] it, and if there be sheep-louse or any other quick thing in it [the ear] it shall soon creep out." Among the Drengage tenures in the *Testa de Nevill*, a Matthew [? de Haversege] and a Roger, both sons of William, held a knight's fee of Robert Greslet in Withington of old tenure; their service being to find a judge for the king. This Matthew de Haversegh or Haverseege, by a dateless deed, gave to Richard, son of Henry de Hondforth and his heirs, lands in Wyddyngton. He also, by a like deed, granted to Geoffrey de Rosden those lands in Withington which Hortredus de Brabery held. In one of Dr. Keuerden's MSS. he is called Matthew de Staversides. In the Pleas de Quo Warranto and Rageman, before Hugh de Cressingham and his associates, justices itinerant, at Lancaster, in the octave of Holy Trinity, 20 Edward I. (1292) John de Langeford showed a charter of 33 Henry III. (1248–9) which witnessed that King Henry granted to a certain Matthew de Hathershegg, great grandfather [proavo] of John, and to his heirs, free warren in all their demesne lands in their manors of Hathershegg, Barleburgg, Kynwaldsmere and Holan' in co. Derby and their manors of Witington and Diddesbiry in co. Lanc. &c. And he says that Oliver his father (?) and predecessor, died in seisin of the said warren. — (*Rot.* 5 d. p. 377.)

[58] This Robert is not easily identified, the pedigree of the family not having been carefully preserved. That given in Baines's *Lancashire* (vol. iii. p. 479) is erroneous. A notice of the family (p. 478) is also full of inconsistency. In the 13 John (1211–12) Richard, son of Robert de Lathom, held five and a half carves of land of Robert de Grelle (fifth) baron of Manchester. Albert Greslet (*Juvenis*, fourth baron) had given to Robert, son of Henry de Lathom, two oxgangs of land in Anlezark by 3*s.* "and his heir has that land." — (Dr. Keuerden's *MSS.* in Her. Coll.) These give us three generations of the Lathoms, — Henry, whose son Robert (? the same as in the text) was the father of Richard.

holds one knight's fee in Childewale (Childewelle) and a fourth part of a knight's fee in Parbold (Probold), and three parts of a knight's fee in Wrothinton (Wrottingeton) of the said fee.

RUMWORTH. — Richard le Perpund holds a third part of a knight's fee in Rumheworth', of the said fee.

William de Worthinton holds half a knight's fee in the same (vill) of the said fee.

Roger de Pilkinton[59] holds a fourth part of a knight's fee in the same (vill), of the said fee.

LINDSEY. — Thomas de Gretley [sixth baron] holds in Lindeshey [? co. Lincoln] in (of) the honour of Lancaster, six fees and a third part of a knight's fee and a twelfth part of a knight's fee, in chief of the lord the king. — (Fol. 397.)

These are the knights' fees of the honour of Lancaster under the body of the county: — . . . . . Of Thomas Greley five fees and a half. (Fol. 400.)

William de Karleton and William de Clifton[60] collectors, render their account of the aid of assise and the collection in this county: — . . . . . Thomas de Greley [sixth baron] renders an account of eleven marks [*7l. 6s. 8d.*] for five fees and a half. In the treasury ten marks by the collectors; and he owes one mark [*13s. 4d.*] — (Fol. 400.)

BURNHULL AND ANDERTON. — Robert Gredle[61] holds three carves of land in Burnul and in Anderton, of the same barony [Penwortham], and does no service. — (Fol. 403.)

[59] This Roger was probably the son of Alexander, lord of Pilkington. Roger had free warren in Pilkington in June, 19 Edward I. (1291). His eldest son was Sir Roger, knight of the shire in 1355.

[60] William de Clifton, the ancestor of the Cliftons of Clifton, held ten carves of land in Amounderness in the 42 Henry III. (1257-8), and was collector of aids for Lancashire. — (See *Family Pedigree.*)

[61] Though this Robert is spoken of as then *holding*, the Feodary makes a distinction between two Roberts, the latter of whom is called "the Robert that now is." Wanting this addition, the Robert in the text may be the second baron (1100–1135) and not the fifth (1182–1230).

ESTON. — The same Robert de Gredle holds two carves in Eston of the same barony, and ought to render therefor yearly one gos-hawk [austurcum] or 20*s.*; but he doth not render.[62] — (Fol. 403.)

DRENGAGES.[63]

Robert Gredle[64] holds twelve knights' fees in the county of Lancaster[65] under the Lime and without.[66] — (Fol. 404.)

WITHINGTON. — (Of which) Matthew, son of William, and Roger, son of William, hold one knight's fee of Robert Gredle in Wythington from of old time, and (from of old) ought to find one judge for the lord the king.

[62] There is considerable confusion as to the meaning of the word *Austurcum*. Du Cange tells us that Papias translates *Asturco*, both "Accipiter-major" or "Astur" (? the great or gos-hawk) and "Equus ambulator," or an ambling pony, or palfrey. The equivalent value in the text, we think, shows it to be a hawk, and not a horse. Austurcus, Austur, or Astur, some naturalists distinguish from the Accipiter-major; but on the whole, looking rather at old deeds than at scientific nomenclature, we believe this to be the female gos-hawk, used in taking the pheasant, mallard, wild-goose, hare and coney. Dr. Hibbert-Ware suggests that the name of the holder of these two carves in Eston is an error: that it should be, not Robert de Gredley, but Robert de Eston. If so, then the name of the holder of lands in Burnhull and Anderton of the barony of Penwortham, should also be Robert de Eston.

[63] Drengage (*drengagium*) from the Anglo-Saxon *dreng*, a soldier, a man, is the tenure by which the Drenges or Drenches held their lands. These (*Drengi*) were tenants in capite, who, according to Spelman, being put out of their estates at the Norman Conquest, were afterwards restored thereunto on their making it appear that they were the owners thereof, and neither in auxilio or consilio against him; in short that they had stayed at home to till their lands, and had not fought under Harold at the Battle of Hastings, or otherwise resisted the Conqueror. (See note 8 p. 19 *ante*.) For a full account of the facts related by Spelman, see Du Cange *in voce Drench*.

[64] From this point to the end of the Montbegon fees, pp. 404-405 in the printed *Testa*, foll. 822-825 in the MS., the entries are re-copied in a condensed form, p. 404 fol. 839. As before, the variations shown by the second copies are given within parentheses in the text.

[65] The enumeration of fees which follows, including Robert Greslet's own five and a half fees in Mamecestre, gives a total of about twelve fees.

[66] *Lime* or *Lyme* is probably from *Limes*, a bound or limit, a border or frontier, a boundary or landmark. In some parts of this Feodary estates are spoken of as "in the body of the county," and where lands are stated to be "without the lime," they appear to be in some other county. The other form of the word *Line* or *Lyne* may be from *linea*, a *line*, bound, or division mark. — (See note 28 p. 37 *ante*.)

Gilbert de Newton holds with the lady of Barton one knight's fee and half of the same [Robert]. And Thomas de Withington holds one knight's fee and a half (half a fee) of the same Robert, from of old time.

CHILDWALL, ASPULL, TURTON, AND BROCHOLES. — Richard, son of Robert, holds five carves and a half of land of the same [Robert Gredle]; to wit, in Childewalle (Childewell) three carves of land. And in Aspul (Aspel) one carve. In Turton one carve. In Brochal' (Brokhal') half a carve. Wherefore six and a half carves of land make one knight's fee.

HAREWOOD. — Roger de Samlesbur' (Sailesbur') and Alex' [de Harewode] hold six carves in Harewode of the aforesaid knight's fee.

DALTON, PARBOLD AND WRIGHTINGTON. — Albert de Gredle *senex* [? 1135-1166] gave one knight's fee to Orme, son of Ailward, in marriage with his daughter, to wit in Dolton and Parbold and Writtinton (Dalton, Parebolde and Witt'rington). The heirs of the said Orme hold the said land.

PILKINGTON. — Alexander de Pakington [? Pilkington] holds of Robert Gredle a fourth part of a knight's fee and [finds] one judge for the lord the king, of ancient tenure.

RIVINGTON AND LOSTOCK. — Albert Gredle *juvenis* [? 1166-1182] gave to Thomas de Perponte (Peton) three carves of land in Ruwinton and Lestoc, by the fee of a third part of one knight. The heirs hold that land.

MAMECESTRE. — Robert Gredle that now is[67] gave to Robert de Bury (Beri) the elder, fourteen oxgangs of land of his lordship [or demesne] of Mamecestre, by the service of half a knight's fee (half a fee and fourteen oxgangs). His heirs hold that land.

The same Robert [Gredle] gave to Ralph de Emecote[68] two oxgangs of land of his lordship [or demesne] of Mamecestre, by 6*s.* 8*d.* yearly.

Albert Gredle [? third or fourth baron] gave to Robert de Bracebrugge two oxgangs of land of his lordship [or demesne] of Mamecestre by 4*s.* yearly. His heirs hold that land.

[67] Probably Robert the fifth baron (1182–1230).

[68] Can this surname be the same with Ancotes? In a deed without date but before 1230, Robert Greslet (fifth baron) gave to *Ralph* de Ancotes, the land of Ancotes for his homage and service, paying half a mark yearly (6*s.* 8*d.*) This seems very like the same grant and the same grantee. — (See Kenerden's *MSS.* in Her. Coll. vol. iii.)

Albert Gredle senior [? 1135-1166] gave to Wluric [? Ulric] of Mamecestre four oxgangs of land of his lordship [or demesne] by 5*s.* yearly. His heirs hold that land.

Albert Gredle gave four oxgangs of land to the church of Mamecestre in alms, of the demesne [or lordship].

HEATON. — Albert Gredle *juvenis* [? 1166-1182] gave to William Noreus [Norres] two carves of land in Heton by 10*s.* [? yearly]. His heirs hold that land.

LITTLE LEVER. — The same Albert [Gredle] gave to Alexander, son of Umoch, two oxgangs of land in Little Lofre by half a mark [6*s.* 8*d.*] and 12*d.* or one eyas hawk [nisum].[69] The heirs hold that land.

URMSTON. — Albert Gredle *senior* [? 1135-1166] gave to Orme, son of Eward [Aylward] with his daughter Emma in marriage, one carve of land in Eston by 10*s.* yearly. The heirs of Orme hold that land.[70]

FLIXTON. — The same Albert gave to Henry, son of Siward, one carve of land in Flixton by 10*s.* [? yearly]. The heirs hold that land.

SLIVEHALL. — Albert Gredle *junior* [? 1166-1182] gave to Elyas de Pennilbury Slivehalle by 12*d.* or by one eyas hawk [nisum] yearly. The same Elyas holds that land.[71]

MILAFESHARH. — The same Albert [Greslet *junior*] gave to Robert,

[69] *Nisus* (*q.d.* a *neyas*, or more correctly an *eyas*) is a term applied usually to the young sparrow-hawk, and occasionally to the young merlin or other hawk, newly taken out of the nest. Sparrow-hawks are of five sorts, — *Eyases* or *Nyases*, branches, soars, mewed and haggards. Eyases are mewed in the wood, and are taken in the eyry. — (*Gent. Recreat.*) Ducange says the *Nisus* is a young hawk, snatched from the nest and carried home, and usually called a *Niais* (*i.e.* an eyas or eyess). Its value, as shown by Albert Greslet's (*juvenis*) grants to Alexander Fits-Umoch and to Elias of Penhulbury, was only twelvepence.

[70] By a deed without date, Albert Greslet grants to Roger, son of Orme and his heirs, all the land of Haistune [? Eston], with all appurtenances and all Osoluescrout [? Oswald's croft], and all Heton, with all appurtenances, &c., to hold of me and my heirs as the same Roger held of my father, and for the same service, to wit, for Haistun 20*s.* or one soar-hawk [accip. sorum], and for Heton in like manner 20*s.* Witnesses: R. de Merci [? Merseya], John de Ancotes, Ralph de Birun, Robert son of Seifrid [or Siward], Robert son of Henry, Geoffrey Gresle, William de Merci [? Merseya], Barnard Gresle. — (Dr. Keuerden's *MSS.* in Herald's Coll. London, vol. iii. fol. k. 6 b.)

[71] It appears from a MS. of Keuerden that Elias de Pendlebury held Slive Hall in the 12 John (1210–11).

son of Henry, two oxgangs of land in Milafesharh by 3*s*. [? yearly]. His heir holds that land.

CHAPPLES [SHARPLES]. — Roger de Samelisburie and Alexander de Harewode hold one oxgang of land in Chapples by [a rent of] 3*s*. of Robert Gredle. — (Fol. 404.)

WYTHACRES. — Albert Gredle gave to the monks of Swineheued one croft which is called Wythacres, in alms.[72] — (Fol. 405.)

MAMECESTRE. — Robert Gredle that now is gave to Aca the clerk one land [unam terram] of his demesne of Mamecestre by 3*s*.[73] The same Aca holds that land. — (Fol. 405.)

[THE MONTBEGON FEES.]

Roger de Montbegon[74] holds eight knights' fees under the Lime and without. (Of which) under the Lime holds Adam de Bury one knight's fee of ancient tenure. Roger de Midelton holds one knight's fee of ancient tenure.[75] The predecessors of Roger de Montbegon gave to the ancestors of Gilbert de Notton twelve oxgangs of land by the service of the fourth part of one knight's fee. Gilbert de Notton holds that land.

ALK[R]INGTON. — Adam de Prestwyche holds four oxgangs of land in Alk[r]inton by 4*s*., of ancient tenure.[76]

TOTTINGTON. — Adam de Montbegon gave to Eward de Bury four oxgangs of land in Totinton with Alice his daughter in marriage.

[72] For a notice of the monastery of Swinehead, co. Lincoln, see p. 35 *ante*.

[73] In all probability "unam terram" should have the word "bovatam" in its midst. In Sharples an oxgang of land paid 3*s*. to the lord, and the rent of this land granted to Aca the clerk is 3*s*.

[74] The Montbegons were barons of Hornby. There were two persons of this Christian name, one the father of Adam de Montbegon (see under Tottington), living in 1131; and the second Roger was grandson to the first. The fees "without the Lime" were probably in Lincolnshire, where the Montbegons had possessions.

[75] In 1323 Roger de Midelton held the manor of Midelton, of the royal manor of Totington. He also held "a hamlet called Bolton," and an oxgang in Chetham. He left five daughters coheirs, Ellen, Matilda, Alice, Margery and Margaret.

[76] Adam de Prestwich married an Alicia, and their only child and heir was Alice, who married Thomas Walmsley. He levied a fine of the manors of Agecroft and Pendlebury, *temp*. Edward II. (between 1308 and 1327). He held ten oxgangs in Prestwich and Failsworth.

And now that land is held by William de Penieston with Cicely, daughter of the said Alice.[77]

PENDLETON. — Marferth de Hulton (Jarnord de Hilton) holds four oxgangs of land in Pennelton of the lord the king in chief by service of the sixth part of one knight's fee.[78]

Elyas de Pennilburie holds one oxgang of him Marferth by *4s.*

Gilbert de Notton holds in right of his wife [? Edith de Barton] fourteen oxgangs of the lord the king in thanage by *26s.*[79]

Richard de Wyrkedele [Worsley] (Wynewitte) [? Winwick] holds one carve of the same Gilbert by *16s. 8d.*[80]

[77] In the 29 Edward I. (1301) a William Penyton had grant of free warren in Penyton, co. Lanc. — (*Cal. Rot. Chart.* fol. 130). ? Pennington, in the parish of Leigh.

[78] The Christian name of this Hulton is variously written Jorveth, Jorverth, Jarnord (as in another part of this Feodary) Marveth, Reinfridus, Yarfridus, Yarwit, Yarwrittus, &c. He lived in the reigns of Richard I. and John, and the latter king by charter (dated Mons, 10th October, first year of his reign, 1199) gave him the town of Penhulton, co. Lanc. in exchange for other lands he had granted him when earl of Moreton or Mortaigne. In the *Cal. Rot. Chart.* (fol. 5) he is stated to have held in 1199 the vill of Pendleton in exchange, Barton and the wood of Kereshall.

[79] This tenure requires a few words of explanation. Though, as already stated, it is impossible to identify the localities or names of the twenty-two berewicks mentioned in Domesday as belonging to the hundred of Salford in the time of King Edward the Confessor, then held as manors by as many Saxon thanes, — we may enumerate various townships of a later time, as not unlikely to have been of these ancient berewicks. There is reason to believe that when Roger de Poictou held the greater part of the hundred of Salford, he allowed a number of the small Saxon proprietors near Mamecestre to retain their estates by the tenure of thanage or drengage; and in this Feodary, and other records of the twelfth and thirteenth centuries, we find free tenants, some bearing Saxon names, holding their land "antiquâ tenurâ," or in thanage, or in drengage. Such thanes, drenges, or small holders were seated in the townships of Barton, Clifton, Chorlton [Chorlton-cum-Hardy], Chetham, Eccles, Failsworth, Hulton, Hulme, Middleton, Monton, Notton or Newton, Pendlebury, Pendleton, Pilkington, Prestwich, Radcliffe, (?) Salford, Trafford, Withington, and Worsley. These were possibly the sites of nineteen of the twenty-two Saxon berewicks.

[80] "Elias Gigas," or Elizeus, the founder of the family of Worsley, is said to have held the manor of Workeslegh or Workedlegh as early as the Conquest. But this can only be tradition, as there is no mention of Workedley in the Domesday Survey The following account of this Elias is given in Hopkinson's *MS. Pedigrees of the North Riding of Yorkshire*: — "This Elias was seised of the manor of Workesley,

CHETHAM.—Roger (Adam) de Midelton holds one carve of land in Chetham, in chief of the lord the king, in thanage by one mark [13*s.* 4*d.*] Henry de Chetham holds all that land of the said Roger.

[SERJEANTY.]

CADISHEAD.—Edwin [the] Carpenter held one oxgang of land in Cadwalesate (Cadwalsete) [Cadwallshead] in chief of the lord the king of the gift of King Henry in carpentry,[81] and afterwards Swane held that land. And now that land is held by Gilbert de Notton, paying to the king 5*s.*; but they [the jurors] know not of whom or by whom that land has been alienated from the service of the lord the king.

RIVINGTON.—Alexander de Pilkinton[82] holds six oxgangs of land in Ruhwinton in thanage by 10*s.* And the sons of his mother's brother hold that land of him.

EDGEWORTH AND HEATON.—William de Radeclive[83] holds twelve oxgangs of land in Eggewrth' and in Heton in thanage by 16*s.* 8*d.*

now Worsley, about the Norman Conquest, anno 1066. He was of such strength and valour that he was reputed a giant, and in old scripts is often called Elias Gigas. He fought many duels, combats, &c., for the love of our Saviour Jesus Christ, and obtained many victories." Kimber adds that he died at Rhodes, and there lies buried. His son and heir was Richard Workedsley. The Richard of the text was son of Geoffrey de Workedly, one of the feodaries under Gilbert de Notton in the 5 Richard I. (1193–4).

[81] Carpentry is one of the many forms of petit serjeanty; by this tenure the holder was bound to do carpentry work for the king.

[82] This Alexander was the son of Alexander, and grandson of the Leonard who fought at the Battle of Hastings. His tenure in thanage shows him to be a Saxon proprietor. He was living in 1262 and 1278.—(*Rivington Book and MS. Pedigree*).

[83] In the 6 Edward I. (1278) a William de Radeclive was deputy to Theobald Walter, high sheriff of Lancashire. The same William was one of the knights who were of the inquest of the county.—(*Testa de Nevill*, fol. 401). He also held by 6*s.* a carve of land of the fee of Randle Fitz-Roger's heir, a ward in the custody of Eustace Fitz-Moreton, for the king. He was probably the same with the individual called "The great William," lord of Edgeworth and Oswaldtwisel, who became seised of Culcheth in the 20 Edward I. (1292) in right of his wife Margaret, one of the two daughters and coheiresses of Gilbert de Culcheth. He is also mentioned in Birche's *MS. Feodary* as holding the manor of Radcliffe, by yearly homage and service for ward of Lancaster Castle, at the term of St. Martin, 2*s.* 6*d.* rent at the four terms, and by a service of one-half and one-tenth part of the fee of one knight.

Gilbert de Notton holds four oxgangs of the said William by half a mark [6*s.* 8*d.*]

The father of this William gave to Robert de Hennetwisel [Entwisle] two oxgangs of land in marriage with his daughter.[84]

PRESTWICH AND FAILSWORTH. — Adam de Prestwyche holds ten oxgangs of land in Prestwyche and in Faileswrth', in chief of the lord the king in thanage, by 24*s.*[85]

Adam de Heton holds of this Adam four oxgangs by 10*s.*

Gilbert de Notton holds of this Adam two oxgangs of land in Faileswrth' by 4*s.*

BLACKROD. — Hugh de Blakerode[86] holds one carve of land in Blakerode, which was of the fee of William Peverel, by 20*s.* And he has a charter of the lord the king.

PENDLEBURY AND "CHADESWRTHE." — Elyas de Pen'ilbur' holds nine oxgangs of land in chief of the lord the king in Pennilbur' and in Chadeswrthe [? Shoresworth] in thanage by 12*s.* And Richard and Adam and Henry and Robert, his nephews or grandsons [nepotes] hold one oxgang of him by 2*s.*[87]

[84] A Simon Radeclive, supposed to be the uncle of the William mentioned in a preceding note, demised lands in Radecliffe for a term of years to Henry de Oswaldtwisel.

[85] There were three Adams in succession. The first was the son of Robert, who died about 1205. The second is said to have settled at Quickelswick about 1300. The third was living in 1313 or 1314, and was dead in 1322. The Adam of the text, besides what he held in Prestwich and Failsworth by thanage, also held four oxgangs in Alkrington, by 4*s.* of ancient tenure; so that this was in all probability one of the Saxon families still holding land in Lancashire. (See also note 76 p. 77).

[86] In the 1 John, 1199, a Hugh le Norris (*i.e.* the Norwegian) had a charter for a carve of land in Blakerode: and somewhat later, Hugh de Blakerode held a carve of land in Blakerode, which had been of the fee of William Peverel. In the 3 John, Hugh le Norreis paid to the king two marks (1*l.* 6*s.* 8*d.*) and two chascurs [? *chasceors*, horses for the chase] for a confirmation of his title; and this is doubtless the charter named in the text.

[87] This Elyas seems to be the descendant of another of those Saxon thanes or drenges who were allowed by the Conqueror to retain their lands. Chad's-worth [? Shoresworth] appears to have been in or near Pendlebury. The tenure is thanage, and the four relatives of Elyas hold one oxgang of him as sub-feudatories. One-ninth of his rent for nine oxgangs (12*s.*) would be 1*s.* 4*d.*, but he takes a rent of 2*s.* for the severed oxgang.

CLIFTON.—Robert de Clifton holds four oxgangs of land in Clifton[88] in chief of the lord the king by 8*s*.

Roger Gerneth [Garnett] holds of this Robert three oxgangs by 8*s*.[89]

RIVINGTON.—William, son of William, holds twelve oxgangs of land in Ruhwinton in thanage by 24*s*.

REDDISH.—Roger, son of William, holds one carve in Rediche in thanage by 6*s*. Matthew de Radiche holds that land of this Roger by the same service.

CHORLTON.—Gospatric de Chereleton holds two carves in Cherleton, in chief of the lord the king, in thanage by 20*s*.[90]

Matthew, son of William, holds of the same [Gospatric] four oxgangs, which he had sown [disronavit] by the end [or fine or limit, *finem*] of the war.

Henry de Trafford holds five oxgangs of land by 6*s*. 3*d*.[91]

Adam de Chorelton holds of this Gospatric two oxgangs by 41*d*.

Henry de Chetham holds four oxgangs in chief of the lord the king in thanage by 5*s*.

Henry de Trafford holds four oxgangs in chief by the same service.

William de Bothelton [Bolton] held one oxgang in chief of the lord the king in fee-farm. His heir is in the custody [or wardship] of the lord the king.—(Fol. 405.)

[88] A Robert de Clifton was knight of the shire in 1382.

[89] Can this Roger Gerneth be Sir Roger Gernet of Halton, who was hereditary forester of Lancashire in fee, and held by serjeanty in right of that office a forge within the forest, the lands by advowson of Halton, lands in Lee, Burgh and Fishwic, a fishery in the Ribble there; the advowson of Prescot, and lands in Eccleston, Whiston, and paramount rights in Speke? He was of a Norman family, the younger son of Vivian Gernet, and brother and heir of William Gernet.

[90] This is not Chorlton-on-Medlock, but Chorlton-cum-Hardy, one of the ancient chapelries within the parish of Mamecestre. Gospatric was probably a descendant of the Saxon thane or drenge (? Cheorl) who held Chorlton-Hardy in the Conqueror's reign. This Gospatric gave one-fourth part of Chorlton to Henry, son of Robert, son of Henry de Trafford, for homage; he also gave one-eighth of Chorlton to his brother Adam de Chorlton, and to the Abbey of Cokersand a certain part of his land in Chorlton and in Bexwick in pure and perpetual alms.

[91] This Henry de Trafford also held four oxgangs for 5*s*. yearly, whether in Chorlton or Chetham is not clear from the *Testa*. In the 12 Edward I. (1284) a Henry de Trafford had grant of free warren in Trafford and Stretford.—(*Cal. Rot. Chart.* fol. 113).

TONGE. — Gilbert de Tange holds one oxgang of the lord the king in Tange by 4*s*.

Randle, son of Roger, held four carves in chief of the lord the king by 10*s*. and one judge. His heir is in custody [or wardship] of Eustace de Moreton by the lord the king.[92]

William de Notton holds one carve of him the heir, by 8*s*.

William de Radeclive holds one carve of him the heir, by 6*s*.

Adam de Urmeston holds one carve of land of him the heir.

Roger de Bothelton holds one carve of the same by the service of the twelfth part of one knight. — (Fol. 405.)

SERJEANTY.

STRETFORD.—Hamon de Macy holds one carve of land in Streteford by the service of [finding] one judge.

Hugh de Stretford holds four oxgangs (one carve) of him Hamon, doing him the service of a judge.

Henry de Stretford holds two oxgangs of land of the same, by 4*s*.

KERSALL. — The Prior and Monks of Lenton [co. Notts] hold Kereshale[93] in alms, by the charter of the lord the King Henry [II.]— (Fol. 405).

WITHINGTON. — Adam de Iseni holds five carves of land in Wythington by military service, which he gave to Gilbert, son of Reinfrid.[94]. — (Fol. 406.)

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[92] A Eustace de Moreton in 1201 gave fifteen marks (10*l*.) for a charter. He held three knights' fees in Lincolnshire, of the honour of Peverel of Nottingham. — (*Rot. de Oblat.* vol. i. p. 168.)

[93] For an account of Kersal Cell or Hermitage, and the grant of it to the priory of Lenton, co. Notts, with the charter of confirmation of Henry II., see Dr. Hibbert-Ware's *History of the Foundations of Manchester*, vol. iv. pp. 17, 18, 21 and 22.

[94] We are unable to trace Adam de Iseni. There was a family of Iseney or Isney in co. Lincoln. As to Gilbert the son of Reinfrid, he may be the same with a "Gilbert, son of Roger, son of Reinfrid," who held four carves of land in Tarleton and Benthum, and four in Preston and Holme, and two in Burton, with a market at Warton, all in co. Lanc. — (*Cal. Rot. Chart.* p. 6.) In the court rolls of 6 Richard I. (1194-5), at Lancaster a day was given to Gilbert, son of Reinfrid, and the monks of Furness, in a plea as to their cattle. In the court rolls of 1 John (1199-1200) in some proceedings at York, respecting the church of Clifton, Gilbert, son of Reinfrid,

In this county twenty-four carves make one knight's fee. . . . . — (Fol. 408.)

SERJEANTY.

Henry, son of Siward, three oxgangs and a fourth part of one judge. Robert de Middleton by service of one judge. — (Fol. 409.)

SERJEANTY WITHOUT THE LIME.

William de Gresle [holds] Drakelawe [co. Derby] by one bow without string and a quiver [pharetra] of . . . . . [arrows] and twelve arrows and one . . . . . [buzon ?].[95] — (Fol. 409.)

SERJEANTIES RENTED BY ROBERT DE PASSELEWE, TEMP. HENRY, SON OF KING JOHN.

Of those lands which William de Ferrars and Agnes his wife[96] hold by

declared that the advowson of that church belonged to him. In other court pleas at Canterbury are named "Gilbert, son of Reinfrid, and Reinfrid his brother." In the fine rolls of the year 1200, under the head Lanc. "Gillebert son of Reinfrid, gave the king 100*l.* and two palfreys, for the confirmation of his charters and to have new . . . . . free court, gallows and pit." In the same rolls (1201) he gave thirty marks for (?) scutage. He held three knights' fees, one of the honour of Lancaster and two of Westmoreland. He also gave thirty marks when he went into the forest with Osbert de Longchamp. In 1204 he gave five palfreys to have confirmation from the king and grant of the custody of the land of the heir of Oliver de Aincourt, which with the marriage, had been granted to him by the bishop of Norwich. In 1215 "Gilbert, son of Reimfrid," is mentioned with respect to a demand of ten marks. In 1216 Gilbert, son of Reinfrid, fined to King John, in 12,000 marks (8,000*l.*) to have the king's benevolence and grace; having been confederated with the barons hostile to this king; and that William de Lancaster his son, and Ralph de Aencurt' and Lambert de Bussy, his knights, might be delivered from prison, &c. Dated at Berwick 22nd January 1216. — (*Rot. de Ob. et Fin.*) William de Lancaster, the son just named (by Gilbert's wife Helewise, daughter of William de Lancaster, second baron of Lancaster by tenure), assumed his mother's name "de Lancaster," and on the death of Gilbert (son of Roger Fitz-Reinfrid) his father, in 1219, obtained the barony of Lancaster. He died about 1246, without issue.

[95] In the 2 John (1200) William earl of Ferrers held Drakelaw and the service of William Greseley, to wit, one bow, one quiver, and twelve arrows. — (*Cal. Rot. Chart.* fol. 11.) It is probable that this William Greseley was one of the Derbyshire family, and not of the Lancashire Greslets.

[96] Randle de Blundeville sixth earl of Chester, who in 1228 had confirmation from Henry III. of all his lands between the Ribble and Mersey, and was made chief lord,

serjeanty of Saleford and of Clayton, and of Newsam, — nothing; because they have for them a charter and a writ of the lord the king. — (Fol. 410.)

SERJEANTY CHANGED INTO KNIGHT SERVICE.

Thomas Greyley[97] holds five fees and a half in Mamecestre, with soke, from of old time [*de antiquitate, i.e.* of ancient tenure.][98] — (Fol. 411.)

From the necessary digressions of this and the preceding chapter, we return to the affairs of the Greslets. Robert the fifth

under the king, of the whole county of Lancaster, died without issue in 1252, and his whole inheritance was shared by his four sisters. Agnes, the third sister, married William earl of Ferrers (and also sixth earl of Derby, being the sixth in lineal descent from Robert de Ferrers, raised by King Stephen to the earldom of Derby for his prowess at the Battle of the Standard. The heirs of the first earl of Derby were usually called earls of Ferrers, though they were likewise earls of Derby.) This Agnes, besides manors, a castle and lands in other counties, had of inheritance in Lancashire the manor of West Derby, and all Earl Randle's lands between the Ribble and Mersey. In the 8 Henry III. (1223–4) this William earl of Ferrers was constituted governor of the castle and honour of Lancaster, the next year he was sheriff for three parts of the year, and again in the 10 and 11 Henry III. (1226–7). In addition to 50*l.* for the relief of the lands of his wife's inheritance, he and she were bound to render yearly a goshawk or 5*os.* into the king's exchequer, as had been usual for the lands lying between the rivers Ribble and Mersey. In the 26 Henry III. (1241) he gave a fine of 100*l.* to the king for the livery of the three hundreds of West Derby, Leyland and Salford, which had been seized into the king's hands for certain misdemeanours of his bailiffs. This earl died 20th September 1247, and his countess survived him only one month, they having lived together, man and wife, seventy-seven years!

[97] This entry appears to form part of the sheriff's return to a letter from Sir Hugh de Pateshull, treasurer of the lord the king, and others of the king's barons of the exchequer, to Simon de Thorneton, sheriff of Lancashire, respecting the knights' fees held of the honour of Lancaster. Simon de Thorneton was joint sheriff of Lancashire *temp.* Henry III. in all the years 1234–1242, and Hugh de Pateshull appears to have been treasurer of the exchequer from June 1234 to 1240. These limits show that the Thomas Greslet in the text was the sixth baron (1231–1262).

[98] Other entries in the *Testa de Nevill* show that Thomas Greslet, sixth baron, held three fees in Lincoln and Notts; three and a half in Norfolk; and in all twelve fees in Suffolk.

baron, who obtained the chartered fair in 1222 and 1227, was in the former year excused by Henry III. the payment of 6*l.* for one year's castleward of Lancaster,[99] due to the Honour for the twelve knights' fees which he held; inasmuch as he had served with the king in the army of Newark. In the same year he was sent with the earl of Essex and H. de Nevill to the forest of Clyve, to watch the movements of Richard Surward and other malefactors. In 1228–9 the king confirmed to Randle de Blundeville, sixth earl of Chester, all his lands between the Ribble and the Mersey, and Randle shortly afterwards conferred on William Ferrers earl of Derby, who had married his sister, the town and wapentake of Salford. Previously, about 1230, earl Randle had granted a charter to his burgesses of Salford; to be noticed hereafter. Robert Greslet married a daughter of Henry de Longchamp, brother of William de Longchamp, chancellor to Richard I. He died in 1230 or 1231, in his fifty-sixth or fifty-seventh year, leaving one son and heir, Thomas, sixth baron, who was probably in his minority, as his investiture is not recorded. By an inquisition post mortem Robert de Gredley was found to have held "twelve knights' fees, in the county of Lancaster, infra limam et extra."

Of Thomas, sixth baron, little is known. He seems to have been a true Norman seigneur, in his passion for the chase. There is little record of events under his rule. He married a lady named Christiana Ledet or Ledette. The chief fact of his life, while he held the barony, was his obtaining a grant of free warren over his demesne lands in Lancashire and Suffolk in the year 1249. It is supposed that he was one of the barons who resisted an aid sought

[99] Castle-ward (*Castle-gardum*, vel *Wardum Castri*) is an imposition laid upon such persons as dwell within a certain compass of any castle, towards the maintenance of such as watch and ward the castle. (See *Magna Carta*, capp. 19, 20; 30 Henry VIII. cap. 48.) In this county all the freeholders under the earls and dukes of Lancaster were liable to pay, in respect of one or more knights' fees, or parts of fees, so much for castle-ward to the castle of Lancaster; from which service (for the money was doubtless a commutation of actual service) they were exempt when attending the king in his wars, on the ground that their actual military service to the king for the time released them from the lesser duty to the lord paramount.

of parliament by Henry III. to enable him to carry on his expensive war in Gascony and a projected expedition to the Holy Land; such resistance being punished by the forfeiture of the malcontents' lands. This is probably the explanation of the escheat of Thomas Greslet's lands of Mamecestre and Horewych forest, in the 38 Henry III. (1253–4). Subsequently parliament made a money grant, on condition that the king would renew his oath of adhesion to the Magna Carta and the Carta de Foresta; from which Henry, at the prompting of the pope, had declared himself absolved. Fearing probably another escheat of his possessions, if he again manifested contumacy, Thomas Greslet was found among those barons who obeyed the king's summons to join him at Chester in an expedition against the Welsh, who had overrun Pembrokeshire. This was in 1259, and his obedience was rewarded by the appointment, in the following year, of warden according to some, but, according to the official record, of "Justicier" of the king's forests south of the Trent. For this office, it is probable, his intimate knowledge of forest law would to some extent qualify him. Referring the reader for some account of his infeoffments to pp. 39, 40, *ante*, we come to the consideration of the royal grant to him of free warren.

CHAPTER VIII.

GRANT OF FREE WARREN TO THOMAS GRESLET, SIXTH BARON.

The term "warren" (from the Anglo-Norman *garen* or *garenne*, a place kept, from *garder* to keep) denotes either the franchise or incorporeal hereditament, or the place itself in which, by prescription or grant, the lord of the manor is privileged to keep "beasts and fowl of warren;" as hares, coneys, pheasants and partridges. The origin of this feudal privilege is traceable to the Conquest.[100] The earlier Norman kings were passionately fond of the chase; and their forest laws vested the sole property of all game in the king alone. No man was entitled to disturb any fowl of the air, or any beast of the field, of such kinds as were reserved for the amusement of the sovereign, without express license from the king, by a grant of a chace or free warren; and these franchises were granted as much with a view to preserve the game, as to gratify the grantee. The extent to which the severity of the forest laws was carried in the reign of King John, with the devastation and depopulation resulting from "afforesting" or converting peopled districts into forests of chace by a wholesale eviction, were amongst the provocations to insurrection, which induced the barons and chief feudatories to band together, and ultimately to obtain from that king the great charter of English liberties, "Magna Carta," and from his son Henry III. the "Carta Foresta," which at that period was only second in value to the great charter. Of the great oppressions of the forest laws some idea may be formed from the following chapters of Magna Carta:

47. All forests that have been made forests in our time [*temp.* John]

[100] The forest law of Canute, A.D. 1016, has no reference to warrens.

shall forthwith be disforested; and the same shall be done with the banks that have been fenced in by us in our time.

48. All evil customs concerning forests, warrens, foresters, and warreners, &c., shall forthwith be inquired into in each county by twelve sworn knights of the same shire, chosen by creditable persons of the same county; and within forty days after the said inquest, be utterly abolished, so as never to be restored.

In the fifty-third chapter there is also reference to "disforesting the forests which Henry our father and our brother Richard have afforested." The Carta Foresta was made at Westminster 10th February 1225 (9 Henry III.) and confirmed in 1299 (28 Edward I.) We have noticed its principal provisions in chapter vi. p 59 *et seq.* Incidentally it confirms to those having warrens "the liberties and free customs which they have had."

As to the position which "free warren" held amongst forest franchises, Manwood in his *Forest Laws* (cap. i. sec. 5) says that "a *forest* is the highest franchise of noble and princely pleasure; next in degree unto it is a liberty of a *frank chace;* the diversity between a park and a chace is that a park is inclosed, and a chace always open; the last in degree is the liberty or franchise of a *free warren*. . . . . Every forest comprehends within it a chace, a park, and a warren. . . . . Hence the killing, hurting, or hunting of any of the beasts or fowls of chace, park, or warren, within the territory of the forest, is a trespass of the forest, and to be punished by the laws of the forest only, and not by any other law."

Blackstone, in his *Commentaries,* includes in "franchises" the right to have a forest, chace, park, warren, or fishery, endowed with the privileges of royalty. A *forest* in the hands of a subject is properly the same thing with a chace, being subject to the common law, and not to the forest laws. But a *chace* differs from a park in that it is not inclosed, and also in that a man may have a chace in another man's ground as well as in his own; being indeed the liberty of keeping beasts of chace or royal game therein, protected even from the owner of the land, with a power

of hunting them thereon. A *park* is an inclosed chace, extending only over a man's own grounds. To constitute a legal park, the king's grant, or at least immemorial prescription, is necessary. It is unlawful at common law for any person to kill any beasts of park or chace[1] except such as possess these franchises of forest, chace or park. *Free warren* is a similar franchise, erected for preservation or custody (which the word signifies) of beasts and fowls of warren,[2] which, being *ferœ naturæ*, every one had a natural right to kill as he could; but upon the introduction of the forest laws at the Norman Conquest, these animals being looked upon as royal game and the sole property of our savage monarchs, this franchise of free warren was invented to protect them, by giving the grantee a sole and exclusive power of killing such game, so far as his warren extended, on condition of his preventing other persons. No man, not even the lord of a manor, could by common law justify sporting on another's soil, or even on his own, unless he had the liberty of free warren. This franchise has almost fallen into disregard since the new statutes for preserving the game, the name being now chiefly preserved on grounds that are set apart for breeding hares and rabbits. There are many instances of keen sportsmen in ancient times, who have sold their estates, and reserved the free warren, or right of killing game, to themselves; by which means it comes to pass that a man and his heirs have sometimes free warren over another's ground.

[1] These are properly buck, doe, fox, martin, and roe; but in a common and legal sense extend likewise to all the beasts of the forest; which, besides the deer, are reckoned to be hart, hind, hare, boar, and wolf, and, in a word, all wild beasts of venery or hunting. — (*Coke on Littleton*, p. 233.)

[2] The beasts are hares, coneys, and roes; the fowls are either *campestres*, as partridges, rails, and quails; or *sylvestres*, as woodcocks and pheasants; or *aquatiles*, as mallards and herons (*Coke on Littleton*, p. 233). Grouse are not birds of warren. Manwood, on the other hand, (*Forest Laws*, cap. iv. sec. 3), states that there are only two beasts of warren, the hare and the coney; and but two fowls of warren, the pheasant and the partridge. Budæus saith that the beasts and fowls of warren are such as may be taken with long-winged hawks or hawks of prey, which are the hare, the coney, the pheasant and the partridge; for a warren is but a place privileged for beasts and fowls of warren only, and for no more.

It is not lawful for any man within this land to make any chace, park, or warren, in his own freehold or elsewhere, to keep or preserve any wild beasts or birds of forest, chace, park, or warren in it, without the king's grant of warren so to do. — (*Manwood.*)

To come to the grant of free warren to Thomas Greslet. Dr. Hibbert-Ware supposes that over the lands of the barony there was liberty of the chace by ancient prescription. It is certain that great part of the northern portion of the barony was woodland or forest. He thinks that this grant of free warren was sought in order to obviate any dispute as to the privilege from the newly-created earl of Lancaster. This is a reasonable solution of the matter. A few years ago the writer was favoured with a loan of some documents, muniments of the Mosleys, as lords of the manor of Manchester, and amongst others was an official copy of the record of this ancient grant, signed "William Illingworth, deputy keeper of the records, 27th February 1818." The original record runs thus: —

(Inter Recorda Curiæ Cancellariæ in Turri London: asservata, scilt: in Rotulo Cartarum de anno regni Henrici tercii tricesimo tertio, membrana 3ª, sic continētur: —)

Carta de Warenna p Thoma Gresley. REX Archiēpis &c. Saltm. Sciatis nos concessisse ꝯ hac carta nr̃a confirmasse dī ꝯ fī nr̃o Thome Gredley qđ iꝑe ꝯ heredes sui in ꝑpetuum ħeant lib^{m} warennam in om̃bꝫ đnicis ꝟris suis de Mamecestr̃, in comitatu Land. ꝯ de Wyllanesham in comitatu Suff: ita qđ nullus intret ꝟras illas ad fugand: in eis vł ad aliquid capiendū quod ad warennam ꝑtineat sine licencia ꝯ voluntate iꝑius Thome vł heredum suoꝝ sup forisf^{a}ct^{m}am nr̃am decem libraꝝ. Quare volum^{s} et firmit. p̄cipimus p nob ꝯ heredibꝫ nr̃is qđ iꝑe, ꝯ^{c} ut s^{a}. Testibꝫ Joħe de Plessetis comite Warr., Joħe Maunsel, ꝑposito Bev.l: Rađo fil Nicħi, Paulino Peyor̃, Rog.o de Monte Alto, Robto de Ros, Robto de Mucegros, Joħe Ext^{a}neo, Rađo de Wauncy, Robto le Norreys, Nicħo de Staunford, Stepħo Bauzan ꝯ aliis. Data ꝑ manū nr̃ām apud Wodest̃ xxiij die Julii anno r̃. ñ. xxxiij.

(Among the records of the Court of Chancery, preserved in the Tower of London, to wit, in the roll of charters of the thirty-third year of the reign of Henry III., in the third skin, it is thus contained:)

Charter of Warren for Thomas Gresley.[3] The King to the Archbishops, &c., greeting. Know ye that we have granted, and by this our Charter confirmed, to our beloved and faithful Thomas Gredley, that he and his heirs for ever may have Free Warren in all his demesne lands of Mamecestre, in the county of Lancaster, and of Wyllanesham in the county of Suffolk, so that no one shall enter his lands to hunt or chase [*fugand:*] in them, or to take any thing [or creature] which belongs to Warren, without leave and license of him the said Thomas or his heirs, upon our forfeiture of 10*l.*[4] Wherefore we will and strictly command, for us and for our heirs, &c., as above [*i. e.* in the first grant of Free Warren on the skin, written at full length.] These being witnesses: — John of the Parks, Earl of Warwick;[5] John Maunsel, Provost of Beverley;[6] Ralph, son of Nicholas;

[3] There seems to be some discrepancy in date between the public records. It is stated in the text that this charter was granted on the 23rd July, in the 33 Henry III. 1249. But there is an entry in the *Abb. Rot. Orig.* under the date of the 34 Henry III. (which regnal year began 28th October, 1249, and closed in October, 1250), to the effect that Thomas Grelle gave to the king twenty marks (13*l.* 6*s.* 8*d.*) for a charter of warren, and to have acquittance of the seal. So that the lord the king should not take a larger sum [amplius] neither for the seal nor the fine.

[4] This prohibition by charter and the penalty of 10*l.* were needed in this case, as some persons seem to have trespassed in pursuit of game over the lands of the lord of the manor. For in the pleas of assize at Lancaster in the 30th Henry III. (1245–6) John de Blackburne, Richard de Alreton and Hugh de Whaley, acknowledge that they had no right of hunting (*fugandi*) in the forest of Thomas Grelle, without his licence and will [voluntate]. — Keuerden's folio *MS.* p. 282.

[5] The first witness to this grant, "John de Plessetis," or of the Parks (from the Norman *plesseiz*, park), was a Norman, and apparently a knight of the king's household, serving in the wars in Ireland and Wales. He advanced rapidly in favour; was appointed governor of Devizes, warder of Chippenham Forest, and sheriff of Oxford; and, having married in 1243 Margery, sister and heir of the earl of Warwick, and widow of John Mareschall, seventh earl, he styled himself in her right, earl of Warwick. In a notice of this grant of free warren in the proceedings of the *Historic Society of Lancashire and Cheshire* (vol. iv. p. 48), the abbreviation "Warr'" was mistakenly supposed to be Warenne. In the 28 Henry III. (1243–4), he was appointed constable of the Tower, and in the thirty-fifth year (1251), amongst six justices

Paul Peyor';[7] Roger de Montalt,[8] Robert de Ros,[9] Robert de Mucegros,[10]

assigned to hold the pleas of the city of London, which were usually tried before the judges itinerant, the name of "John de Plessetis, earl of Warwick," stands second. This is the only time in which he appears in a judicial position, and he held it then, no doubt, in his character of constable of the Tower, where the sittings were to take place. After attending the king into Gascony, he was treacherously seized by the people of Pontes in Poictou, notwithstanding a safe conduct from the king of France, and cast into prison, whence he was not released till the following year. He died February 26, 1263, 47 Henry III. — (Foss's *Judges of England*, vol. ii. p. 442.)

[6] (*Page* 91.) The second witness, John Maunsel, provost of Beverley, was a remarkable man. He was the grandson of Philip Maunsell, who accompanied the Conqueror into England. He rose rapidly in favour of Henry III. From being one of the king's clerks or chaplains, he was appointed in July, 1234, the chancellor of the exchequer, being the first to fill that office, then newly created. He was twice keeper of the great seal, and was one of the greatest pluralists ever known, his highest ministerial dignity being that of provost of Beverley (1248). Some assert that he held seven hundred benefices, producing eighteen thousand marks yearly [12,000*l.*]; others limit the number to three hundred, and the produce to four thousand marks [2666*l.* 13*s.* 4*d.*] Amongst others, he held the rich rectory of Wigan, co. Lancaster, and the treasurership of the cathedral of York. In 1253 he accompanied William Bitton, bishop of Bath and Wells, on a special mission to Spain to negotiate a marriage for Prince Edward, Henry's eldest son. In 1256, at his house in Tothill Fields, London, he entertained the kings and queens of England and Scotland, prince Edward, and the nobles and prelates of the kingdom: so numerous were the guests that he was compelled to erect tents for many, and Stowe says that seven hundred dishes were scarcely sufficient for the first course. He was on one occasion ambassador plenipotentiary to the court of Rome, and a witness to the deed by which the pope transferred the kingdom of Sicily to Edmund, second son of Henry III. He was styled by the pope, "dilecto filio, Johanni Maunsell, Thesaurario Eboracensi, Capellano nostri;" so that to other ecclesiastical offices he added that of being the pope's chaplain. In the struggles between the king and the barons under de Montfort, Maunsel adhered to his sovereign, and the result was that, from being one of the foremost men in the realm, honoured with the confidence and esteem of the king and the pope, and living in great pomp and splendour, his latest years were spent in exile, concealment and obscurity, and it is even said that he died in want. To his other great qualities, he added that of being a valiant soldier "in armis strenuus, et animo imperterritus;" and in a battle with the French in 1242, he captured with his own hand a gentleman of quality, named Peter Orige, after a close and well-fought combat.

[7] Paul Peyore, or as he is elsewhere called Paulinus Peyvre, was (with William de Cantilupe the younger, John de Gray, and Philip Bassett), by a patent of 28th August, 26 Henry III. (1242) constituted one of the constables and military commanders of the king's forces in Poictou. In the 9 Richard III. (1385-6) the king

John L'Estrange,[11] Robert le Norreys,[12] Nicholas de Stannford, Stephen Bauzan, and others. Given by our hand at Wodest'[13] the 23rd day of July, in the 33rd year of our reign. [1249.]

confirmed to Thomas Peyvre, kinsman and heir of Paulinus Peyvre, a market and fair in his manor of Tudington, with free warren there of Hare, Chaunton, Wadelhowe, and of Tinger, as well as of his park of Epho.

[8] (*Page* 92.) Roger de Montalt took his surname from the chief residence of his family on a little hill in Flintshire, then named Montalt (high mount), but now Mold; where his grandfather built a castle. Roger was the son of Robert de Monte-alto, and held the barony under the earl of Chester. Roger early in life distinguished himself in opposing the aggressions of David, son of Llewellyn, prince of Wales; in 42 and 44 Henry III. (1258 and 1260) he was called upon with the other barons marchers, to quell new insurrections of the Welsh; and in the latter year he was placed at the head of the justices itinerant into Shropshire, Staffordshire, and the neighbouring counties. He died in 1260. — (Foss's *Judges of England*, vol. ii. p. 412.)

[9] (*Page* 92.) Robert de Ros was the second son of Robert de Ros, lord of Hamlake in Yorkshire, and of Isabel, the daughter of William the Lion, king of Scotland. His father left him the barony of Werke in Northumberland, with the castle which he had founded there, and a barony in Scotland. In July, 1234 (18 Henry III.), he was, by writ, associated with the justices of the bench, and in the following month he was appointed a justice on three itinera, one into Lincolnshire, another into York and Northumberland, and the third into Lancashire. Three years afterwards he was constituted chief justice of the forests in the northern counties; and so continued till 28 Henry III. (1244), when he, with John de Balliol, had a governance of Scotland entrusted to him. When he died is not known. — (*Ibid.* vol. ii. p. 458.)

[10] (*Page* 92.) Robert de Mucegros, was a son of Richard de Mucegros, a justicier for six years in the reign of John (1204–1210). Robert married Hellewise, the widow of Hugh Poinz. — (*Ibid.* vol. ii. p. 98.)

[11] John L'Estrange, or Le Strange, was one of the three sons of Guy le Strange, (*i. e.* the stranger) who was supposed to be a younger son of the duke de Bretagne, in the latter part of the Conqueror's reign. One of the sons, also named Guy, was a justice itinerant in 1174 in Shropshire, and died between 1194 and 1199; and this John was the grandfather of Roger le Strange, of Ellesmere, a justice itinerant in the reign of Edward I. — (*Ibid.* vol. i. p. 307.)

[12] Robert le Norreys was probably a son of Alan and a brother of Alan le Noreis (*i. e.* the Norwegian) of Speke, co. Lanc. He is named in deeds of 1277 and 1292.

[13] This grant was probably made at Woodstock, where Henry III. occasionally resided; and where he was visited by the King and Queen of Scotland in August 1256. [Alexander II. married the princess Joan, eldest sister of Henry III. in June 1221. They appear to have remained with their royal relative at Woodstock only a day and a night.] Always in need, and having been refused aid by his citizens of London, or by the parliament, the king sold his jewels and plate to raise money, and

Dr. Hibbert-Ware describes a grant and confirmation to Thomas Greslet of free warren "in Mamecestre and Horewich." It is the above grant, doubtless, to which allusion is made; for though it does not name Horewich, there is no doubt that the forest of Horewich was within the demesne lands[14] of Thomas Greslet in his lordship of Mamecestre. This most distinguished and reliable of our local antiquarian writers, adds: —

Thomas Gresley, in the spirit of the Norman *Veneur*, regarded the forest of Horewich as the most valuable appendage of the manor of Manchester. It is also rendered highly probable, from an examination of manorial records, that the baron's chief residence was not at Manchester, but at a hunting seat, which he built for himself at or near Heaton-under-the-Forest, for the sake of hunting and hawking upon the grounds of Horewich.

As to the extent of woodland and forest over which this grant of free warren gave its owner the sporting license of olden time, it must suffice here to say that it covered several square miles. Later muniments of the manor will give the estimated extent of the forest of Horewich, elsewhere called Hopeworth; the wooded park of Blakeley; the wood of Aldport, and the other neighbouring woodlands, supposed by John Whitaker to be the remains of the ancient forest of Arden, which covered the southern part of the hundred of Salford, and which, he alleges, has left a trace of its name in that of the hamlet or village of Ardwick. The old name of that, however, was Athers-wic.

Upon a careful consideration of the subject, it appears to us that substantially and in effect, though not in terms, this grant of free warren[15] was one of forest. Manwood repeatedly affirms that

retired to Woodstock. In these circumstances, we think we see how the expensive honour of feasting the royal visitors devolved upon that wealthy clerk, the provost of Beverley.

[14] *Demesne*, from the French *demaine*, which is derived from *dominium*, in its widest and earliest sense signified "patrimonium domini," and may be regarded as embracing all parts of the manor in the hands of the lord himself, or of his copyholders and lessees, excluding only those portions in the hands of freeholders.

[15] At the conference of all the justices and the barons of the exchequer at Serjeant's

a noble man, or a common person, may have a forest by especial grant from the king or prince, under the great seal of England. All the inhabitants (says this writer) within the forest of Lancaster, being freeholders, did claim to be acquitted of all manner of vert, and of regard, and of divers other things; and this claim was allowed of in eyre, by reason that John the earl of Morton, being lord of the forest of Lancaster, did by his charter grant the same by these words:—"Know ye me to have granted to all knights and all thanes, and all free tenants who abide [manent] in my forest of the honour of Lancaster, that they may," &c. By this precedent (adds Manning) ye see that a grant was made unto a commonalty and [held] good, &c. There ye see that a subject is and may be lord and owner of a forest. — (*Forest Laws*, p. 544.) But it was essential to a forest that it should have all officers that do belong to the forest, as verderors, foresters, regardors, agistors, and woodwards; a justice in eyre, appointed by the king to determine trespasses of the forest; and courts of the forest called, 1. the Justice-seat; 2. the Swanimote, held thrice in the year; and 3. Court of Attachments or Woodmote, held every forty days, and thence called "The Forty-day Court." In some cases the grant by the king of a forest to a subject was held not to convey the royal privileges, but to give only the rights of a chace to the grantee. The forest of Horewich was extensive, but the maintenance of the forest court, judge and officers, would have made it costly to the grantee, and so he held it under the name of a

Inn, on matters relating to the forest of Leicester, it was held that if one hath a warren by charter in all his manors, he may erect a convenient lodge for preservation of his game; or make cony-burrows in any place of the manor at his pleasure. — (*Manwood.*) A woman tenant for life of a park, within the forest of Lancaster, made her claim for that, being called Knoghsley [Knowsley] Park, and also for a free warren, and afterwards made default; whereupon one Latham, being tenant in reversion, was received, and made claim both for the park and also for the free warren; and because he did not show forth any good matter to warrant his title, therefore was it adjudged that the aforesaid inclosure should be *prosternatur*, and should remain forest; and that the aforesaid warren should be taken into the hand of the lord [of Gersingham] &c. — (*Itinera Lanc.*, fol. 5.)

warren. It will be seen hereafter that the lords of Mamecestre appointed three foresters to the forest of Horewich, and that offenders in that forest were brought before the court baron or court leet for punishment.

In the *Calendar of Patent Rolls* (p. 31) we find amongst the grants of the 43 Henry III. (1259) a patent appointing Thomas Grelle a justicier of the forest, on the hither [citra] or south side of the Trent.[16] He could only have held this office a year or two, for he died towards the close of 1261 or in January 1262. The inquiries, escheats, and other proceedings of the crown, consequent on his death, will form the subject of the following chapter.

[16] There is but one chief justice of the forests on this side Trent, and he is named "Justiciarius Itinerans Forest: &c. citra Trentam," and there is another chief justice "ultra Trentam." The chief justice is commonly a man of greater dignity than knowledge of the laws of the forest: and therefore when justice seats [forest courts] are to be holden, there shall be associated to him such as the king shall appoint, who, together with him, shall determine all pleas of the forest; ..... and the chief justice of the forest and these associates are "Capitales Justiciarii Forestæ." — (*Co. 4, Inst.* 314.)

CHAPTER IX.

PROCEEDINGS ON THE DEATH OF THOMAS GRESLET, SIXTH BARON.

ESCHEATS AND DOWER. A.D. 1262.

It appears by a document about to be given that Thomas Greslet married a Christiana Ledet, who survived him, and by whom he had two sons. The elder, Robert, died in his father's lifetime, leaving a son of tender years; who, in a plea of assize at Winchester, in 52 Henry III. (1267–8) is styled "Robertus filius Roberti, primogeniti Domini Thomæ Greleigh." The second son of Thomas was named Peter, and was in holy orders. Thomas Greslet died in 46 Henry III.; most probably in the latter part of 1261; for as early as the 18th February 1262, a writ was issued as necessary under the circumstances of his death. He died seised of the manor of Mamecestre and its appurtenances, holding five and a half knights' fees in that lordship, and in other parts of the honour of Lancaster six fees, one third and one twelfth of a fee, in chief from the king. He was also possessed of the advowsons of the churches of Mamecestre, Childwall and Ashton-under-Lyne, and the chapels of Hale and Garston. At his death his grandson and heir Robert, being a boy of tender years, became by law the king's ward; and his only surviving son, Peter, had the custody of the church of Manchester during the minority of his nephew, Robert. As to the heirship of the manor, Keuerden erroneously states that "Thomas Grelle gave to Peter de Grelle, his son, the manor of Mamecestre and Childwalle, with the chapels of Assheton, Hale and Garstan [Garston] to the said

churches belonging." Now, as no churches have been named, it is most likely that for "manor" [manerium] Keuerden should have written "churches" [ecclesiis]. At this period the pope, by his emissaries in England, named provisors, seized on all the benefices falling in.[17] Hence, probably some of the proceedings now to be noticed were taken by the crown, shortly after the death of Thomas Greslet. Among the fine rolls, then kept in the Tower of London, and printed by the commissioners of public records, the second volume contains three records of the 46 Henry III. (1262) of which we append translations:—

[17] In 1241 Pope Innocent IV. gave orders to the Archbishop of Canterbury and two of the English bishops to reserve three hundred of the best livings in England for the use of the Italian clergy, on pain of being suspended from the power of collating. The evils of these papal provisions became so great that in 1245 a letter was addressed by the nobles and commons of England to the same pontiff, at the general council of Lyons, complaining of the great injustice of this measure; that religious houses were defrauded of their rightful patronages and collations of benefices; that Italians and other foreigners out of number possessing churches and benefices in England, gave no protection to their charges; but disregarding alike hospitality and almsgiving, only cared for their rents; that in this way they received yearly out of England no less than sixty thousand marks (or 40,000*l.*) yearly; and that if any benefice exceeded thirty marks (20*l.*) the pope's legate would give the same away to an Italian, whereby true patrons were despoiled and defrauded of their rights. This spirited petition only served to make the pope a little more cautious in the exercise of his supremacy, and the king, his abettor, more jealous of his royal prerogative. Such being the state of things before the death of Thomas Greslet, we can well imagine why he would desire to leave two rich advowsons (worth two hundred marks, or 133*l.* 6*s.* 8*d.* each) to a clerical son of his own, rather than let them fall into the rapacious clutches of some Italian priest. On the other hand, there would soon be some inquiry as to how these rich benefices had slipped through the meshes of the papal net. The official inquiries showed that the advowsons of the churches belonged to the manor, and that their custody, during the nonage of the deceased baron's grandson and heir, appertained to the king. Still it was feared that during the minority of Robert Greslet the churches of Mamecestre, &c., by one of the pope's "Provisions" would be bestowed on some foreign ecclesiastic. In accordance, therefore, with a clause of Magna Carta, which secured to patrons of livings the custody of them during vacancies, Peter Greslet, as uncle of the patron (then a minor) and protector, was formally declared "Custos ecclesiæ de Mamecestre," not "warden" (as Baines renders it, for it was not a collegiate church at that time, but simply a rectory), but custodian or keeper.

No. 1. 13TH FEBRUARY, 1262. — (Vol. ii. p. 367.)

Of the land of Thomas Gresl' to be taken into the king's hand, together with his chattels: — Whereas Thomas de Gresl', who held of the king in capite [is deceased], whose heir is also under age, a writ of *diem clausit extremum*[18] is issued, and it is commended to William de Werlond, escheator of the king on this [south] side the Trent,[19] that all the land and tenements of which the said Thomas was seised in his demesne as of fee, on the day he died, he [the escheator] do take into the hands of the king, and keep them in safe custody, until the king shall com-

[18] "*Diem clausit extremum*" was a writ issued out of the Court of Chancery to the escheator of the county, upon the death of any of the king's tenants in capite, to inquire by a jury of what lands he died seised, and of what value, and who was his next heir. This writ ought to be granted at the suit of the next heir; for upon that, when the heir came of age, he was to sue for livery of his lands out of the king's hands. — (Jacob's *Law Dict.*) In this case, the heir being the king's ward, the writ would be issued at the suit of the king as guardian.

[19] The term *escheat* (Latin *eschaëta*, from the Norman *escheoir*, to expire, to happen, to lapse) signifies any lands or tenements that *casually* fall to a lord within his manor, by way of forfeiture, or by the death of his tenant, leaving no heir, general or special. — (*Mag. Cart.* cap. 31.) Escheats were of two sorts: 1. *Regal*, or those forfeitures which belong to the king by the ancient rights and prerogative of the crown. 2. *Feodal*, which accrue to every lord of the fee, as well as the king, by reason of his seigniory. Where a person commits treason, his estate shall escheat, and be forfeited to the king; and when a tenant in fee simple committeth felony and is attainted, the king shall have year and day in his lands, in lieu of waste, and afterwards it comes to the lord by escheat. And the lord may compound with the king and have the estate presently. — (3 *Inst.* p. 11.) The escheator (*escaëtor*) was an officer of the king, appointed in every county to make inquests of titles by escheat; inquests were to be taken by good and lawful men of the county, impannelled by the sheriff. — (*Stat.* 14, *Edward III. cap.* 8; 34 *Edward III. cap.* 13; 8 *Henry VI. cap.* 16.) These escheators found offices after the death of the king's tenants, who held by knight-service or otherwise of the king, and certified their inquisitions into the exchequer. Fitzherbert called them officers of record. — (*F. N. B.* p. 100.) Before the establishment of an escheator in every county, the king had two for a large tract of country in the north of England. The river Trent divided the jurisdictions of these officers, who bore respectively the titles of the king's escheator "ultra Trentam," beyond or north of the the Trent, and "citra Trentam," on the hither side, or south of the Trent. The William de Werlond of the text was William de Weyland, son of Herbert de Weyland and Beatrix his wife. From September 1261 to January 1264 he was escheator south of Trent. He was afterwards (? 1272) appointed a judge of the Common Pleas.

mand otherwise therein. And that all the goods and chattels which were the property of the said Thomas in those lands aforesaid, he shall seize and, without disturbance by anyone whatsoever, he shall keep in safe custody until the executors of the said deceased shall come to the king and shall become security to him that his escheats shall be paid as if the said Thomas were indebted to the king. Witness the king himself at Westminster, 18th February, [1262.]

No. 2. 6TH MAY, 1262.—*(Ibid.)*

Of the manors committed to the wife of Thomas Gres: to be held in tenancy: — Whereas the king hath assigned to Christiana Ledet, who was the wife of Thomas Gresl', late deceased, the manors of Swineheved and Sixl',[20] to have in tenancy, of the king, whatsoever the land which was of the said Thomas Gresl', should be extended and assigned to her, therefore, in respect of her dower. It is commanded to William de Werlond, escheator of the king on this [south] side the Trent, that of the aforesaid manors with the appurtenances, to the same Christina he shall cause to be delivered full seisin as aforesaid. Witness the king at Westminster, the 6th May, [1262.]

[20] Christiana de Ledet or Ledette, is stated to have been the daughter and heir of Walter de Ledet, "de Maybrok sup' Mers." She survived her husband some years, and on her death (circâ 1272) there was some litigation between her next of kin, as to the right to the presentation to churches. At the assizes for Northamptonshire in November 1274, Alice, wife of William de Latymer, and Christiana, wife of John le Latymer, were found to be the nearest heirs of Christiana Leddete; and that therefore they ought to present the parson to the church of Wardon. — (*Abb. Plac. Mich. 2 and 3 Edward I. rot.* 23.) In 1322 there were further proceedings in the same county, from which it appears that Christiana was the daughter and one of the heirs of Walter Ledet; that Alice, wife of William le Latymer was the other [alteram] daughter and heir of Walter Ledet; and that Thomas le Latymer claimed to present to the church of Corby, as son and heir of Christiana Ledet; his claim being opposed by William le Latymer and Alice his wife. No decision is given. Christiana Ledet appears by the *Testa de Nevill* to have held several fees in capite of the king in Northamptonshire; indeed as many as constituted a barony. She had also a fee in Lincolnshire, which she held of the king of ancient feoffment. The manor of Swinehead is in that county; and it was here that a Cistercian abbey was founded by two of the earlier Greslets. The manor of Sixle, Sixills, or Six-hills, is also in co. Lincoln.

No. 3. 6TH MAY, 1262. — (*Ibid.* vol. ii. p. 372.)

Of the manor of Mamecestre taken into the hand of the king: — The king to William le Latymer[21] his escheator beyond [or north of] Trent, greeting. Because it is accounted or reckoned [*computum est*] before us, that Tho: Gresl', lately deceased, had not enfeoffed Peter Gresl' his son, in the manor of Mamecestre at such time and in such manner as that he might have the free holding thereof, and because the custody of the same manor belongs to us, by reason of the heir of the said Thomas, who held of us in capite by barony, being in our hand:[22] We command you, that without delay the aforesaid manor you take into our hands, and keep in safe custody, so that as to the issues thereof coming to us, you may answer to our [sc'em] steward, [or perhaps exchequer: the abbreviated word "sc'em" may be senescallem or scaccariem.] We have commanded, therefore, our sheriff of Lancaster, that if there be any resistance, however small, to your entering into the same manor, in order that you may take it into our hands; then, taking with him the posse of the said county,[23] he proceed in his own proper person to the

[21] Le Latymer, or more correctly Latynner, means the interpreter of languages, Latin implying at that time any foreign language. This William seems to have had large possessions in Lincolnshire and other counties, and was probably the husband of Alice, sister of Christiana Ledet, referred to in the last note.

[22] The heir here referred to is Robert, grandson of the deceased Thomas, being the eldest son of his deceased eldest son, and only ten years of age at the death of his grandfather. He therefore inherited in direct descent; his uncle, the Rev. Peter, being a younger son of the deceased Baron Thomas. Being "in the hands of the king," Henry III. gave Robert Greslet for guardian the lord paramount of Lancashire, his third son Edmund Crouchback, first earl of Lancaster.

[23] This direction would seem to indicate that some forcible opposition was anticipated to the entry of the king's escheator; whether from Peter Greslet or the pope's provisors must be left to conjecture. The *posse comitatus*, or power of the county, according to Lambard, contains the aid and attendance of all knights and other men above the age of fifteen within the county; because all of that age are bound to have harness [arms and armour] by the statute of Winchester. The service is required where a riot is committed, a possession is kept on a forcible entry, or any force or rescue made contrary to the commandment of the king's writ, or in opposition to the execution of justice. Sheriffs are to be assisting to justices of peace in suppressing riots, &c., and are to raise the *posse comitatus* by charging any number of men to attend for that purpose, who may take with them such weapons as shall be necessary; and they may justify the beating and even killing such rioters as resist, or refuse to

said manor, and that he shall take it into our hands, and commit it to your custody, as is aforesaid. Witness the king at Westminster, the 6th May, [1262.]

We do not find any official returns of the escheators to these writs; but an inquisition was certainly held,[24] and it was found that Thomas Greslet had held of the king in capite; that he had not infeoffed his surviving son Peter, of the manor of Mamecestre; and that by reason of the minority of the heir, the custody of the manor did appertain to the king until the full age of his ward, Robert Greslet, grandson and heir of the said Thomas. The custody of livings during vacancies, being secured to the patrons by a clause of Magna Carta, Peter Greslet, as uncle of the patron, then a minor, was formally declared "Custos ecclesiæ de Mamecestre." This title appears in the record of an assize plea, at Winchester, in 1268, relative to a church in Bucks: — "Peter de Greleigh, keeper [custos] of the church of Mamecestre, acknowledges that he wills and grants for himself, his heirs and assigns, that . . . . . Robert son of Robert, the first born [son] of the lord Thomas Greleigh, which Robert is the heir of the same Thomas," &c.[25]

surrender; and persons refusing to assist herein may be fined or imprisoned. — (*Stat.* 17 *Richard II. cap.* 8; 2 *Henry V. cap.* 8; 13 *Henry IV. cap.* 7; *Lamb.* p. 313–318, &c.) It is the duty of a sheriff, having the execution of the king's writs, and being resisted, to raise such a force as may effectually enable him to quell such resistance. — (2 *Inst.* p. 193; 3 *Inst.* p. 161.)

[24] By an inquisition of the nature of an escheat of 38 Henry III. (1254) Thomas Grelle was found possessed of lands in Mamecestre and in the forest of Horewyche. By inquisitions post mortem in the 55 and 56 Henry III. (1272) it was found that he held the manors of Tunsted in Norfolk, Willanesham in Suffolk, Woodheved in Rutland, and Piryton in Oxfordshire.

[25] In the pleas of assize and jurat' before the lord the king at Winchester, on Innocents day (December 28) 50 Henry III. (1265), Peter Grelegh, keeper of the church of Mainecestre acknowledges that he willed and granted for him and his heirs to Sir Philip Basset, — Robert son of Robert first-born of Sir Thomas Greslegh, which Robert is heir of him Thomas, deceased before he was of lawful age, by which the said right of inheritance devolved to him Peter, — that the same Philip shall have

To this period may be assigned a deed without date by which Sir Gilbert de Barton quitclaims to Sir Thomas Grelle all the township of Farnworth. Sir Gilbert de Barton, in 1251, by another deed promises to pay to Thomas de Grelle his lord, forty marks on the feast of St. James, if he do not then grant to the said Thomas three oxgangs of his land in Barton; and to this deed, as to the one of which we subjoin an abstract, Adam de Farinworthe was one of the witnesses: —

By a dateless deed, Gilbert de Barton, knight, remits and quitclaims to his lord, Sir Thomas Grelle, all the vill of Farinwirthe, with all its appurtenances, which I hold of his fee, in homage and service, in the demesne, &c. To have, &c. for ever. Witnesses: William de Noreis, Thomas de Hulme, Robert de Rediche, Robert de Hilton, Adam de Horb: Adam de Farinwrhe, John de Lever, and others. (Endorsed:) "The vill de Farneworthe." — *(Trafford Muniments.)*

In the times of which we are treating, it is mainly from the official inquiries, such as inquisitions post mortem, escheats, and other proceedings on the death of a tenant *in capite*, that we glean any particulars of his possessions, the day of his death, the name, degree of consanguinity and age of his heirs, &c. In the present chapter, we have thus learned more than could be ascertained from any other source, of Thomas Greslet, sixth baron, his wife, sons and grandson, &c., and the time of his death. The next records of the family are the inquisitions on the death of this grandson, Robert, seventh baron, in 1282. In the twenty years interval, we may place a statute, directing the mode of surveying and valuing manors.

and hold the manor of Periton near Wallingeford [co. Oxon.] with all its appurtenances, for all the term of his life. And that after his death that manor, to him Peter and his heirs, without any impediment whatever, is fully to revert, &c. — (*Rot.* 1.; *Plac. de Ass.* 50 *Henry III.*; *Abb. Plac.* p. 172.) By the *Abbrev. Rotul. Orig.* (vol. i. p. 64) we learn that in the 17 Edward I. (1288–9) Peter de Grelle had letters of pardon from the king, — for what offence does not appear, — on paying a fine of 100*s*.

CHAPTER X.

THE EXTENDING OR SURVEYING OF MANORS.

THE first statute passed in the 4 Edward I. A.D. 1276, was one intituled "Extenta Manerii," "expressing a survey of the buildings, lands, commons, parks, woods, tenants, &c." of manors. This statute so precisely sets forth all that is to be inquired into, in making an extent or survey of the manor, and also the exact order to be taken in the inquiry, that it is necessary to our purpose to print its English version entire, from the statute book:[26]

I. THE BUILDINGS. — First it is to be inquired of the castles, and also of other buildings compassed about with ditches, what the walls, buildings, timber, stone, lead, and other manner of covering are worth, and how they may be prized [appraised or valued] according to the very [*i.e.* true] value of the same walls and buildings; and for how much the buildings without [*i.e.* outside or beyond] the ditch may be prized, and what they be worth with the gardens, curtilages, dove-houses, and all other issues of the court, by the year.

[26] This was not the earliest attempt at statutory regulation. Most diligent inquiry (it is required in the pleas of the crown, in the reign of Richard I. 1194) shall be made what is the rental assessed upon each manor in demesne, and the value of all other assessments in the said manors, and how many carucates there are, and how much they are each worth, not estimating them at a fixed value of 20*s.* only, but according as the land is good or bad, whether the value is likely to increase or decrease. Inquiry is also to be made with how many oxen and plough-horses each carucate ought to be stocked; and how much stock, and to what amount each manor is able to support; and the result thereof is then to be speedily and distinctly reduced to writing. The price set upon a bull shall be 4*s*, and upon a cow the same, and upon a plough-horse the same; upon a sheep with fine wool 10*d.*, with coarse wool 6*d.*; upon a sow 12*d*, and upon a boar 12*d.* — (*Annals of Roger de Hoveden.*)

[Sir A. Fitzherbert, who was a judge of the Common Pleas *temp.* Henry VIII. under the title of "A Boke of Surveying" (first printed by Richard Pynson, London, 1523, 4to.) reprints this statute, Latin and English, with an explanatory commentary on each of its provisions, the material portions of which we append:]—These words go as well to those castles and other buildings that be well upholden and inhabited, as well as to those that be fallen in decay, and not inhabited; and to those that be inhabited it is not necessary to be extended nor valued in any parcel. After the barons' wars, in the time of Henry III., in which many noblemen were slain, many fled and were afterward attainted for treason, and their castles and manors were seized unto the king's hands; and so for want of reparation, the castles and the manors [manor-houses] fell to ruin and in decay. The king and his council thought it better to extend [*i. e.* survey and value] them and make the most profit they could of them, than to let them fall to the ground. Wherefore this statute was made: First, it is most necessary and convenient to retail and sell everything by itself, and not all in gross, some to one man, and some to another. For what is good for one man is not good for another, and everything [ought] to be [ap-]praised and sold by itself; that is to say, the stone wall of one house by itself, the timber of the same house by itself, the covering by itself, the tile, slate, or lead by itself, the glass by itself, the iron-ware, as bars, bands, hooks, bolts, staples, or latches, and all such other by themself; doors, windows, boards and all other things by themself; and to go from house to house and sell everything by itself, and then shall the true value be best known. And it is convenient that these things be offered to be sold to divers men, and to see who will give most, and specially to sell when men desire to buy. Also to value what the grass of the gardens, curtilages, courts and house-places that be within the ditches or without, be worth by the year. A curtilage is a little croft, or court, or place of easement, to put in cattle for a time, or to lay in wood, coal or timber, or such other things necessary for household. Also to value the profit of the dove-house, if any be there, if it be replenished with doves.

II. THE DEMESNES. — It is to be inquired also how many fields are of the demesnes [27][and how many acres of land are in every

[27] The words in brackets are not in the original, which seems imperfect.

field], and what every acre is worth by the year [*i.e.* to be let]; and how many acres of meadow are of the demesnes, and how many be in a field, and how much every acre by itself is worth by the year to be let; [also how many acres of pasture there be],[28] and for what beasts or cattle the same pasture is most necessary, and how many it will find, and of what manner, and what the pasture of every beast is worth, to be let by the year.

"How many fields are of the demesnes" must needs be taken of fields that be in tillage or ploughing; but it should be understood whether the demesne lands lie in the common fields amongst other mens' lands, or in the fields by themselves. If they be in the common fields it is convenient that they be ploughed and sown, and then is not an acre so much worth, as an it were in severalty inclosed, or in several pasturage; for, an the fields be enclosed about, then it is at the lord's pleasure whether they shall lie to pasture or to tillage; and though it lie in tillage, yet hath the lord the eddish and aftermath himself, for his own cattle. And therefore an acre is at the more value. And if it be in pasture, the pasture may be such that it is at double or treble the value of the arable land. Wherefore the acres are to be praised accordingly, and if they be great flats or furlongs in the common fields, it is at the lord's pleasure to enclose them and keep them in tillage or pasture, so that no other man have common therein. As to meadows it should be understood whether they lie in common meadows, pastures, or common pasture, at large or in severalty; for an it be at large in the common meadows, an acre is no better worth than the grass that the hay is made of is worth, for after[ward] it is common, and of little value. And if it lie in severalty, it is worth half as much again, as of the grass was worth. And that high ground and dry is most convenient for sheep, wood ground and bush for beasts, and specially in winter time. Low, meadow and marsh grounds for hay, and after for fat cattle, and in winter for horses and mares, and mean grounds that are both hilly and daly, as lease [grass lands] and low grounds are good for all manner of cattle, if the grass be good and fine, and specially for fat cattle or fat sheep, horses, mares, and young colts, for that grass that one manner of cattle

[28] Though these words are not in the original they are properly inserted, as the original is not sense without such an addition.

will not eat, another will. Therefore it is good to have a large close, that divers manner of cattle may go together in it. And to know what a beast's grass is worth by the year, that is as the pasture is, that he goeth in, and not overcharged with cattle, and the fineness of the grass, and the goodness of an acre. For some acre of ground is not worth a penny by the year, and some acre is worth 40*d.* or 5*s.*, and so a beast's grass may be dear enough [at] 12*d.* in the year, and it may be worth 40*d.* or 5*s.*; and a horse's grass or a mare's grass may be dear enough [at] 12*d.* or 20*d.* by the year, and it may be worth 5*s.* or a noble [6*s.* 8*d.*] according to the goodness of the pastures.

III. THE FOREIGN PASTURE. — Also it is to be inquired of foreign pasture, that is common, how many, and what beasts and cattle the lord may have in the same, and how much the pasture of every beast is worth by the year to be let.

"Foreign pasture that is common" may be understood three ways; in many towns where their closes and pasture lie in severalty, there is commonly a common close taken in, out of the common or fields, by tenants of the said town, for their oxen or kine, or other cattle, in the which close every man is stinted, and set to a certainty how many beasts he shall have in the same, and of what manner of beasts they shall be. And if the lord shall have any cattle therein, he should be put to a certainty, and of what manner of cattle; and this pasture may be well valued. And also the beasts' grass what it is worth therein. But then it ought to be shewed, how many acres be contained in the said pasture, and what every acre is worth one with another. Another manner of common pasture, is most commonly in plain champaign countries, where their cattle go daily before the herdmen, and lie nigh adjoining to their common fields, and it may be in two or three places or more. And in these it is also convenient, that every man be stinted to a certainty, either by yards, lands, oxgangs, rents, or such other customs as the tenants use; and the lord in like manner. These common pastures may be extended, how many acres be in every parcel by itself, and what an acre is worth by itself; but it cannot be so well known what a beast's grass is worth yearly, for they lie most commonly with the fallow fields, and some fallow fields be better than some, and so a beast's grass may be better or worse. The third manner of common pasture is in the

lord's out-woods, that lie common to his tenants, as common moors or heaths, the which were never arable lands. In these manner of commons, meseemeth, the lord should not be stinted, nor set at no certainty, but put his cattle upon such manner of common pasture at his pleasure; because all the whole common is his own, and his tenants have no certain parcel thereof laid to their holdings, but all only bite of mouth with their cattle; and it were against reason to abridge a man of his own right. But his tenants, and every man's tenants, meseemeth, ought of right to be stinted what every man ought to have, going upon all manner of commons; for else would the rich men in the beginning of summer buy sheep and other manner of cattle, and eat up the common, and sell them again at winter, or put them in their pastures that they have spared all the summer, and so overpress the poor men, that have no money to buy, nor [be] able to rear.

IV. THE PARKS AND DEMESNE WOODS. — Also it is to be inquired of parks and demesne woods, which the lord may assart and improve [or as Fitzherbert translates it, pluck up and fell] at his pleasure; and how many acres they contain, and how much the vesture of an acre is worth; and how much the land is worth after the wood is felled, and how many acres it containeth, and how much every acre is worth by the year.

This is to be understood of parks and demesne woods that be in severalty, whereof the lord at his pleasure may assart, stock up by the roots, or fall by the earth, plough and sow to his most profit as he will; and how many acres of wood are contained in the same. For in a park or wood may be two hundred acres or more, and yet not past one hundred acres thereof wood, little more or little less, and what the vesture (that is to say the wood) of every acre is worth by itself; for an acre may be worth 20*s.* or 40*s.* and another acre dear enough [at] 2*s.* 6*d.* or 10*s.*; and how much the whole ground containeth when the wood is fallen [felled]. And that is to be understood, all the ground within pale or hedge, as well the [arable] land ground as the wood ground, where the wood grew; and what every acre is worth by the year, as well of the one manner as of the other.

V. THE FOREIGN WOODS. — Also it is to be inquired of foreign

woods, whether other men have common, and how much the lord may improve to himself of the same woods; and how many acres, and for how much the vesture [*i.e.* the wood] of every acre may be valued at, and how much the ground is worth yearly after that the wood is felled: [and how many acres it containeth, and what every acre is worth by the year].[29] And it is to be inquired whether the lord may give or sell anything of the residue of the foresaid woods, and what such gifts and sales are worth by the year.

This declaration is doubtful because of the uncertainty thereof [as to] what is sufficient common. For it is clearly ordained by the statute of Merton and after confirmed by the second statute of Westminster, that the lord shall improve himself of their wastes; whereby is understood of their common moors, heaths and waste grounds, as well as of woods, though the statute speak but of woods only, leaving their tenants sufficient common; the which in my opinion be those tenants that have common appendant, and hold their lands of him. What is sufficient of common, meseemeth, by reason should be thus: To see how much cattle the hay and the straw that a husband[man] getteth upon his own tenement, will find sufficient in winter, if they lie in house, and be kept therewith all the winter season; for so much cattle should he have common in summer, and that is sufficient. There be four manner of commons, to wit: Common appendant, common appurtenant, common in gross, and common per cause de vicinage, *i.e.* neighbourship. Common appendant is where a lord of old time hath granted to a man a mese-place [a messuage, home-stead or toft] and certain lands, meadows and pastures, with their appurtenances, to hold of him. To this mese-place, lands and meadows, belongeth common, and that is called common appendant. But an a man grant to another certain lands or pastures, the which lie in severalty, inclosed with the appurtenance in fee, to hold of the chief lords, to these lands meseemeth belongeth no common, without he have such special words in his deed. Common appurtenant is where a man hath had common to a certain number of beasts, or without number, belonging to his mese-place in the lord's wastes;

[29] The words in brackets are not in the original, but are printed in the English of the statute book.

this is common appurtenant by prescription, because of the use time out of mind. Common in gross, is where the lord hath granted by his deed common of pasture to a stranger that holdeth no lands of him, nor ought to have any common, but by reason of that grant by deed. Now the lord may not improve himself of any parcel; for it is contrary to his grant, though there be sufficient of common. And in the like case, if the lord grant common to a man by deed, and to limit him a certain number of beasts, see what was common at that time, and of that the lord shall not improve himself; for, an he should, the grounds of the common to that certain number would be abridged, that they should not fare so well. And if the lord grant a man common with his cattle, within certain meres, limits and bounds, the lord shall not improve himself within those meres and bounds. Common per cause de vicinage, is where the waste ground of two townships lie together, and neither hedge nor pale between to keep their cattle asunder, so that the cattle of one township goeth over his mere or bound into the waste ground of the other town, and likewise the cattle of the other township to them. And also if their common fields lie together inclosed, in open time, when harvest is in, their cattle will go out of the one field into the other field; and this is called "Commons because of neighbourship," and [it] is not used or lawful to pin their cattle so going, but in good manner to drive and chase [them] beside such common. And as for that manner of commons, meseemeth the lord may improve himself of their waste grounds, leaving their own tenants sufficient common, having no regard to the tenants of the other township. But as for all arable lands, meadows, leise [leas, grass lands] and pastures, the lords may improve themselves by course of the common law; for the statute speaketh of nothing but of waste grounds, and understand that, howbeit a lord may not improve himself of his waste grounds, yet may he lawfully fall and sell all the wood, broom, gorse, furze, bracken, fern, bushes, thorns, and such other, as free stone, lime stone, chalk, turves, clay, sand, lead, ore, or tynne, to his own use; for the tenants may have nothing by reason of common, but only bite of mouth with their cattle. And swine and geese have no common but by sufferance, without special words in their charter. Also the lord shall have his free warren for all manner beasts and fowls of warren in his waste grounds, as well as in his several grounds; and, as long as the beasts and fowls of

warren be upon the lord's ground, they be the lord's, if he have warren, and the lord may have an action of trespass against any man that chaseth or killeth any of them in his common, as well as in his several. And if they go or fly out of the lord's warren, then is the property changed, and the lord hath lost his action for taking of them when they be out of his warren, without they come into his warren again. There is no man that hath warren but by special grant of the king by charter, except it have been used time out of mind, and allowed before justice in eyre. No doubt the lord may give or sell the residue of his foreign woods, except that a man have common of estovers. But what that gift or sale is worth, is to be understood and known, and as me seemeth, the donee or the buyer shall be in like cause [case] as the lord would have been, if he had not given it nor sold it. Then the lord hath improved himself of as much woods and wastes as he can lawfully, and when he hath given or sold the residue of that, he cannot improve himself of it. In like manner the donee nor the buyer cannot improve themselves of any part thereof, for they cannot be in better case than he of whom they had it. Howbeit that they that of right ought to have their commons, be not their tenants, but their title and interest grew by inheritance, long time before the gift or sale made by the lord; and it followeth by reason that the gift or sale of a stranger shall not hurt another man's inheritance. But this donee or this purchaser shall take to their profit all the vesture standing upon, or being within, the said ground, as woods, and such other as is said before in the next [last] chapter.

VI. PANNAGE, HERBAGE, &c.—Also it is to be inquired of pannage, herbage of the town, honey and all other profits [exitibus, outgoings] of forests, woods, rivers, moors, marshes, heaths, turbary and waste, and how much it is worth by the year.[30]

[30] These are the terms of this clause in Ruffhead's *Statutes at Large*. But he prints the original Latin from the *Cotton MS. Claudius D.* 2:—"Item inquirendum est de pannagio, et herbagio, melle, oleribus, et omnibus aliis exitibus vivariorum, mariscorum, morarum, bruerarum, turbàriarum et vastorum, quantum valeant per annum." Rendered literally this would be—"pannage and herbage, honey, of herbs, and of all other issues of fishponds, marshes, moors, heaths, turbaries and wastes." It seems probable, as herbage has been named just before, that the true reading of "melle, oleribus" should be "melle apibus," bees' honey. Fitzherbert has also misread the original, putting *ville* for *melle*, and so translating it "herbage of the

Where this statute speaketh of pannage, that is to be understood when there is any mast growing in the lord's woods, whereby men's swine may be fed and relieved, what profit that may be to the lord. For there is no man that can claim of right to have the mast, the which is a fruit, but the lord; except his free tenant has it by special words in his deed "Quod sit quietus de pannagio." And the lord shall have it in his foreign out-woods, as well as in his parks or several woods; and as the quantity of the mast is, so the lord's bailiff of right ought to lay mens' swine thereunto from Michaelmas to Martinmas, and to make a true account thereof at the lord's audit, what he taketh for every swine. And in many places the tenants go from pannage in the foreign woods by custom, and that is most commonly where the tenants pay tack-swine by custom, if he have to a certain number, or else to pay yearly at Michaelmas a penny or a halfpenny for every swine, as the custom is used. "Herbage of the town" is to be understood of the common pasture that belongeth to the town whereupon the herdsman keepeth the tenants' cattle. It may be so good, that the tenants need not to have any several pasture; but that their common pasture should be able to find all their cattle, both horses, mares, beasts and sheep; and so it was of old time, that all the lands, meadows, and pastures lay open and unclosed. And then was their tenements much better cheap than they be now; for the most part of the lords have inclosed their demesne lands and meadows, and keep them in severalty, so that their tenants have no common with them therein. And also the lords have inclosed a great part of their waste grounds, and straitened their tenants of their commons therein, and also have given licence to divers of their tenants, to inclose part of their arable lands, and to take in new intacks or closes out of the commons, paying to their lords more rent therefor; so that the common pastures wax less, and the rents of the tenants wax more and more. And it is because the tenants wax more politic in wisdom, to improve their tenements, holdings, and farms; and at the end of the term another man that made no cost of the said improvements, offereth the lord certain money for a fine to have it, or to heighten the rent of the same; so that he that made the cost or his children shall

town." Again he reads the other terms — "pools, meres, and running waters, of moors, heaths, and wastes." There seems to be no authority in the original for the English version of the statute as to "forests, woods, rivers," or as to "herbage of the town."

not have the said farm, without he will give as much or more as is offered to the lord, and so, through the envy of his neighbour, and the covetousness of the lord and his officers, the poor tenant hath a great loss, or else [is] utterly undone. God amend it. And the lords have a greater loss than they ween; for their tenants see how their neighbours, that have builded their houses and improved their lands, be put out, except he make a fine or pay more rent, — causeth them neither to build, nor otherwise to improve their holdings, to the lord's great loss at length. As to "pools, *vivaria*," — *vivarium* is a pool or a mere, that fish increaseth and lyeth in. Some running waters be as free and several to the lords, as their pools, meres, or standing waters. And as they be stored with fish, so doth the profit rise to the lords, whether they go by way of improvement, or [are] set to farm; whereof the bailiff shall make account. Moors, heaths and wastes go in like manner as the herbage of the towns: for the lord's tenants have common in all such out-grounds, with their cattle; but they shall have no wood, thorns, turves, gorse, fern, and such other, but by custom, or else by special words in his charter.

VII. MILLS AND FISHINGS. — Also of mills, fishings several and common, what they be worth by the year.

There be many manner of mills, as corn and wind and horse mills, and querns that go with hand; fulling-mills, scythe-mills, cutler-mills, smith-mills, and all other as the wheel goeth by drift of water to blow the bellows, or to dry [up, or draw] any water like a pump, as there be in Cornwall and divers other places. Though they be no mills properly to grind corn, yet it is a profit to the lord, the which a surveyor may not forget to put in his book, and to butt [abut] and bound them as they lie, and who be the farmers, and what rents they pay. And to the corn mills to the most part of them belongeth *Socone* [soken], that is to say, custom of the tenants is to grind their corn at the lord's mill, and that is, as me seemeth, all such corn as groweth upon the lord's ground, that he spendeth in his house. But if he buy his corn in the market or other places, he is then at liberty to grind where he may be best served. That manner of grinding is called "love-soken" and the lord's tenants be called "bond-soken." And if they grind not their corn at the lord's mill, he may amerce them in his court, or else

he may sue them at the common law, "De Secta molendini facienda." It is also to be known how the toll should be taken, but there be so many divers grants made by the lord, some men to be ground to the twentieth part, and some to the twenty-fourth part, tenants-at-will to the sixteenth part, and bondmen to the twelfth part, some men to be toll-free and some hopper-free; that is to wit, that his corn should be put into the hopper and ground next to the corn that is in the hopper at time of his coming. And in some places to take the toll after the strength of the water, that followeth by reason; for that mill that hath a big water, and may drive a great broad stone, the which will make much more meal than that mill that goeth with a little stone, he is much better worthy to have the more toll, and yet shall the owner of the corn have the more profit. If any man fish in the lord's pools or meres [*i. e.* standing waters], the lord may have his action upon the first statute of Westminster. And if he fish in the running waters, the lord may have his action at the common law. And in like wise the lord's tenant, if any man fish in his farm-hold, be it [in] standing waters or running waters. As to "common fishing" that is little profit to the lord, but to his tenants, except he dwell nigh the sea, and will cause his servant to fish there for him; for that is the best common water that any man can fish in. And some running waters be common, as little brooks and ditches; and in some running waters the lord's tenants have liberty by custom, to fish with shove-nets, trode-nets, small pitches, and such other.

VIII. FREEHOLDERS. — Also it is to be inquired of freeholders, the which dwell without as well as within [the manor] that is to say, how many freeholders there be, and who they be, and what manner lands and tenements, and what fees they hold, and by what services, whether it be by socage or knight's service, or otherwise, and what they are worth, and pay yearly of rent of assise, and who hold by charter, and who not; and who by old tenure, and who by new feoffment. Also it is to be inquired of the said free tenants, which do follow the court from county to county, and which not, and what and how much falleth to the lord after the death of such free tenants.

A freeholder may dwell out of the precinct of the lord's manor, and

yet hold his land of the said manor. For one manor may stretch into divers shires, and in that case the lord of the honour or manor may take a distress for his rents, homages, reliefs, customs and services, and to bring the same distress out of that shire where he was taken, into that shire where the manor is, of whom these said lands be holden. And if the tenant will sue replevy, the sheriff where the cattle is, shall make and serve the replevy, and not the sheriff where the goods or the cattle was taken, nor return upon his replevy "Quod averia elongata sunt." And the lord may have a freeholder that holdeth his land of him and payeth him chief rents and other service, and not by the reason of any manor. Thus if a man purchase a parcel of land before the making of the statute "Quia emptores terrarum" (18 Edward I., 1290) and give the same lands again to a stranger before the making of the said statute, to hold of him by certain rent and service; this may be called a foreign freeholder, for it is no parcel of any manor, and it is no manor itself. For to every manor belongeth two things, that is to say parcel in demesne and parcel in service; that is, lands in demesne belonging to the manor, and service, customs or rents. But this freeholder, though he hath demesne, hath no service. Also a man may have both rent and service of a freeholder, and yet he holdeth not his lands of him that he payeth his chief rent unto. As, an a man purchase lands since the making of the said statute, and give it to a stranger, reserving fealty and certain rent, this freeholder holdeth his lands of the chief lord next above, and yet he shall pay his rents and services reserved to him that gave it to him, and if the gift were in the tail, and no remainder in fee over, now the reversion resteth still in the donor. There be many manner of freeholders, and they hold their lands and tenements in divers manner, and by many manner of rents, customs and services, as tenants in fee simple, tenants in tail, tenants by copy of court-roll, tenants by the courtesy, tenants in dower, and tenants for term of life by special grant, and many other. And all these tenants may hold their lands by divers tenures, customs and services, as by homage, fealty, escuage, socage, knight's service, grand-serjeanty, petty-serjeanty, frank-almoyne, homage-auncestrel, burgage tenures and tenure in villenage. The diversity of these tenures, what rents, fees, customs and services, the lord ought to have of his tenants, cannot be known but by the lord's

evidence, court rolls, rentals, and such other precedents, and specially by the original deeds of their tenants. The tenants in fee simple and the tenants in tail, that have evidence and deeds made and sealed, and possession delivered of their lords, or by their attorney, from one to another, they hold their lands by charter, be it new made or old. Also there be tenants in fee simple, and tenants in tail, that hold by no charter, and those be tenants by copy of court-roll. As, an a lord has a manor, within which there is a custom, used time out of mind, that certain tenants within that manor have used to have their lands and tenements to hold to them and their heirs, in fee simple, fee tail, and for term of life, at the will of the lord, after the custom of the manor. Such a tenant may not give or sell his land by deed; for an he do, the lord may enter, as in lands forfeit to him. If such a tenant will give or sell such manner of lands to another, he must surrender the same lands in the lord's court, into the lord's hands, unto the use of him that should have it, in fee simple, fee tail, or for term of life. And these manner of tenants shall not plead nor be impleaded of their tenements by the king's writ, but an they will implead each other for their tenements, they shall have their plaint made in the lord's court. There may be one manor or lordship both charter land and copy land, and each of them well known from other, and one man have and hold them both. Also there be other tenants by copy of court roll, called tenants *per le verge*, to wit, by the yard; so called because, when they would surrender their tenements into the lord's hands, to the use of another, they shall have a little yard in their hand by the custom of the court, and that they shall deliver unto the steward if he be there present, or to the bailiff or reeve, or to other two honest men of the lordship. And at the next court, he that shall have the said lands shall take it in the court, and his taking shall be entered in the roll, and the steward or bailiff, as the custom is used, shall deliver to him that shall have the land the same yard, or another, in the name of seisin; and [he] hath none other evidence but the copy of the court-roll, and it may be made in fee simple, or fee tail, or for term of life. And all manner of customs that be not against reason, may be admitted and allowed for a custom. Howbeit, that these manner of copy-holders have an estate of inheritance, after the custom of the manor, yet have they no frank-tenement, because of the common law, and

therefore they be called tenants of base nature. There is no manner of estates made of free land, by poll-deed or deed indented, but like estates may be made by copy of copy-lands, if they be well made and entered in the court-rolls. And the steward is bound by law and conscience to be an indifferent judge between the lord and his tenants, and to enter their copies truly in the lord's court-rolls, the which is a register to the lord to know his precedents, customs and services, and also of a great surety to the tenants, that if their copies were lost they may vouch and resort to the lord's court-rolls, and the steward may make them new copies, according to the old precedent in the lord's court. As to "rent of assise," there be three manner of rents; rent-service, rent-charge, and rent-sec. Rent-service is where a man holdeth his land of his lord by fealty and certain rent, or by homage, fealty and a certain rent, or by any other service and certain rent. This is a rent service, and if the rent be behind at any day that it ought to be paid at, the lord may distrain for that rent of common right. If the lord purchase part of the said land that the rent goeth out of, the rent shall be apportioned, except it be an entire rent, as a sparrow-hawk, or a horse, or such other that cannot be severed, for then the rent is extinct and gone for ever. Rent-charge is where a man is seised of lands in fee, and granteth by poll-deed or deed indented, an annual rent going out of the same lands in fee or in fee tail, or for term of life, with a clause of distress. That is a rent-charge, and the grantee may distrain for the same rent, because of the clause of distress. But if the grantee purchase parcel of the said lands, whereof the said rent goeth out, the whole rent-charge is extinct and gone for ever. Rent-sec is where a man, seised of lands in fee, granteth a rent going out of the same without a clause of distress; and it is called a rent-sec, because there is no distress incident nor belonging to the same. Rent-annual is where a man granteth by his deed an annuity of 20*s*., be it more or less, and chargeth no land with the payment of the same. As to suitors to the county court, &c., me seemeth that all manner such tenants that hold their land by such service, having charter land, ought to follow the court of the county, if he be summoned to appear, except he have a special grant by charter of the king to the contrary, and to be sworn in inquiries before the justice of peace, justice of assize, escheators, coroners, and all other commissioners of the king's, and between party and party, as the law hath ordained it. Howbeit in some case he shall dispend and have more

lands than in some case, that is to say, if the damage in plea personal, as debt, trespass, detenue, and such other, be declared under the value of forty marks [26*l.* 13*s.* 4*d.*] then a freeholder that hath any charter land, be it more or less, may pass between party and party. And also he is sufficient to inquire for the king in every bill of indictment for felony; and so is every constable and freeman, though he have no land. But there shall no constable nor freeholder inquire of riot nor forcible entries, without he may dispend 40*s.* clear yearly. (See the statutes of Richard II. and Henry VII.) And also whether the damages in plea personal be declared forty marks [26*l.* 13*s.* 4*d.*] or above, the freeholder must have lands to the clear value of 40*s.* And every man that shall pass of life and death, and for title of land, be it never so little, he must have lands to the value of 40*s.* clearly, above all charges. And in attaint, if the thing in demand, and verdict upon that given, extend to the value of 40*l.* or above, then every man of the grand jury must have lands of the value of 20*l.* of freehold, out of ancient demesne, and of lands in gavel kind 20*l.*; and if it be under the value of 40*l.*, then 40*s.* of freehold is sufficient. As to "what falleth to the lord after the death of such free tenants," that is divers manners of rents, customs, and services. As if a tenant hold of the lord by knight's service, and decease, his heir being of full age, the lord shall have for every knight's fee that the tenant holdeth of the lord 50*s.* of his heir, in the name of relief. For the which the lord may distrain, in every parcel of that land that is so holden of him, for the same of common right. And if it be under a whole knight's fee, as half a knight's fee, the third part, the fourth part, or the twentieth part, more or less, the relief shall be apportionate, according to the same, and [he] shall pay his chief rents (if any be) nevertheless. And if the tenant decease, his heir being within age of twenty-one years, the lord shall have the ward and the keeping of the body, during his nonage, and if he be unmarried then his marriage to give or sell to whom he will, without disparagement; and, when he cometh to full age, he shall pay no relief; and if he be married and under the age of fourteen years, he may refuse and disagree. If the tenant have issue female above the age of fourteen years, be she married or not, the lord shall not have the ward nor the marriage; because the law intendeth that she hath a husband, or may have at that age, able to do such service. But if the heir female be under the age of fourteen years, unmarried, the lord shall have both the lands holden of him and the marriage, till she come to the age of fourteen years, and two years further to tend her marriage in, if she be unmarried. And at the two years'

end she may enter into her lands, and put out her guardian, and marry herself at her pleasure; but if she be married before the age of fourteen years, in the life of her ancestor, and then her ancestor die, the lord shall have the ward of the land to the age of fourteen years, and then her husband and she may enter and put out the lord. And if the tenant hold of two lords by knight service, of one by priority and of another by posteriority, and die, the lord that the tenant holdeth of by priority, shall have the ward of the body, be it heir male or heir female, though there be three or four daughters; for all they are but one heir to the lands that be holden of him. And the other lord, of whom the lands be holden by posteriority, shall have those lands holden of himself and nothing else. If the heir be of full age at the decease of his ancestor, he shall pay a relief to every lord that he holdeth any land of, if relief be due to be paid by reason of his tenure. But in case a tenant hold divers manors of divers lords by knight service, and have but one parcel of land holden of the king in capite, the king shall have all the whole lands holden of every lord during the nonage and the marriage of the heir, if he be unmarried; and if the heir be under the age of fourteen years, and will disagree to the marriage, then the king shall have the marriage of him or her, or the value thereof, and the king shall pay no chief rent during the nonage, except it be found due to be paid in the office of the escheator. And many other things may fall to the lords, as heriots and other customs, according to their original deeds, and use of the manor. There be two manner of heriots, to wit, heriot service and heriot custom. Heriot service is where a man hath given lands and tenements to another man and to his heirs, to hold of him and of his heirs, as before the making of the statute "Quia emptores terrarum," or since the making of the said statute, to hold of the chief lord of the fee by the service thereof due and of right accustomed, reserving to him certain rents, heriots, or other custom. This is rent service and heriot service, because it is expressed in his original deed. Heriot custom is where a man hath a lordship, wherein hath been used, time out of mind, that every tenant that holdeth any mese [dwelling] place of the lord shall give his best quick good, in the name of a heriot, to the lord; and he that hath no quick good, shall give his best dead good. In some lordships, every man that dieth within the same, be he the lord's tenant or not, shall pay a heriot. Insomuch that if a strange man ride or go by the way, and die within such a lordship, he shall pay a heriot, the which is plain extortion and against the common right. In some lordships the lord shall take his heriot before the parson or the

vicar his mortuary; and in some places, the church before. And that is, as it hath been accustomed, time out of mind. Also in some other places it is parted between the church and the lord; and that is, where he that is dead, hath no more quick good but one horse, or one beast, and then he that hath been used to choose first, shall have the better part by one penny; but of dead good, either party shall have one. But they shall neither of them take any dead good, as long as there is any quick goods. And in many lordships it is used, that an the tenant leave his house by his own will, without any discharge of the lord, the tenant shall pay his best quick good to the lord in the name of a heriot; and in some lordships it is accustomed that if the tenant depart from the lordship by his own will, he shall make a fine with the lord for this departing, and most commonly it is two shillings, and it is called a fare-fee, or a farewell; and such a tenant that goeth at his own will, shall make all manner of reparations; and that tenant that is discharged by the lord shall make no reparations, except he be discharged for not doing reparations, &c.

IX. CUSTOMARY TENANTS. — It is to be inquired also of customary tenants, that is to wit, how many there be and how much land every of them holdeth; what works and customs he doth, and what the works and customs of every tenant be worth yearly, and how much rent of assise be paid yearly besides the works and customs, and which of them may be taxed at the will of the lord, and which not.

Customary tenants are those that hold their lands of their lord by copy of court roll, after the custom of the manor. And there be many tenants within the same manor that have no copies and yet hold by like custom and service, at the will of the lord. In my opinion it began soon after the Conquest. When William the Conqueror had conquered the realm, he rewarded all those that came with him in his voyage-royal, according to their degree. And to honourable men he gave lordships, manors, lands and tenements, with all the inhabitants, men and women, dwelling in the same, to do with them at their pleasure. And those honourable men thought they must needs have servants and tenants, and their lands occupied with tilling. Wherefore they pardoned the inhabitants of their lives, and caused them to do all manner of service that was to be done, were it never so vile, and caused them to occupy their lands and tenements in

tillage, and took of them such rents, customs and services as it pleased them to have. And also took all their goods and cattle at all times at their pleasure, and called them their bondmen.[31] Since that time many noblemen,

[31] The history of the *servile* or *unfree* population of England in Anglo-Saxon and Anglo-Norman times is exceedingly obscure. One class of the community in Anglo-Saxon times (though probably no very great portion) was in a state of absolute slavery. They were known in Saxon by the names of *Theow*, *Esne* and *Thrall*. Probably they originally consisted of conquered Britons; but, as criminals who could not pay the fine imposed by law, were reducible to this state, many of Teuton race must in process of time have been comprised in this degraded and suffering class. The freemen of the land were classified by a broad division into the *Ceorls*, who formed the bulk of the population, and the *Thanes*, who formed the nobility and gentry. — (*Creasy*.) By a degradation of the Saxon *Ceorls* and an improvement in the state of the Saxon *Thralls*, the classes were brought gradually nearer together, till at last the military oppression of the Normans, thrusting down all degrees of tenants and servants into a common slavery, or at least into strict dependence, one name was adopted for both of them as a generic term, — that of *villeins regardant*.— (Sir H. Ellis's *Introd. to Domesday Book*.) The technical name for the kind of slavery which prevailed in Anglo-Norman England is *villeinage*. Some slaves were annexed to certain lands and passed into the dominion of the heirs or purchasers of those lands, whenever the ground, which was considered the more important property, changed owners. These were called *villeins regardant*. Others were bought and sold, from master to master, without respect to any land; and these were termed *villeins in gross*. It is probable that the number of villeins in gross was never very considerable; but there are good grounds for believing that at the commencement of the thirteenth century the greater part of the labouring agricultural population of England (including not only actual farm labourers, but the followers of those handicrafts which are closely connected with husbandry, and were practised on the lands) were villeins regardant, and were looked on merely as so much of the live stock of the land to which they belonged. — (*Creasy*.) Slavery always imports an obligation of perpetual service; an obligation which only the consent of the master can dissolve. It generally gives to the master an arbitrary power of administering every sort of correction, however inhuman, not immediately affecting the life or limb of the slave; and sometimes even these are left exposed to the arbitrary will of the master, or they are protected by fines and other slight punishments, too inconsiderable to restrain the master's inhumanity. It creates an incapacity of acquiring, except for the master's benefit. It allows the master to alienate the person of the slave, in the same manner as other property. Lastly it descends from parent to child, with all its severe appendages. The condition of a villein involved most of these miserable incidents. The villein's service was uncertain and indeterminate, being entirely dependent in nature and amount on the caprice of his lord. In the emphatic terms of some of our old law-writers, — "The villein knew not in the evening what he was

both spiritual and temporal, of their godly disposition, have made to divers of the said bondmen, manumissions, and granted them freedom and liberty, and set to them their lands and tenements to occupy, after divers manner of rents, customs and services, the which is used in divers places unto this day..... In many lordships there is a customary roll between the lord and his tenants, and it ought to be indented, one part to remain in the lord's keeping, the other part with the tenants, and divers true copies to be made of the same, that the rents and customs run not out of remembrance. And also a suit-roll, to call all those by name that owe any suit to the lord's court, and then shall there be no concealment of the suitors, but that the steward may know who is not there; and if any suitor decease, the

to do in the morning, but he was bound to do whatever he was commanded." He was liable to beating, imprisonment, and every other chastisement that his lord thought fit to inflict; except that the lord was criminally punishable if he actually killed or maimed his villeins, or if he violated the person of his *neif*, as a female villein was termed. The villein was incapable of acquiring property for himself; the rule being that all which the villein got became the lord's. He usually passed to each successive owner of the land, as if he had been a chattel attached to it. But the lord, if he pleased, could sever him from the land, and separate him from his family and children, by selling him as a villein in gross by a separate deed. This wretched condition of slavery descended to the children of villein parents; and even if the father only was a villein, the children inherited the same sad lot from him. Indeed at one time the severity of the law was such, that if a villein who belonged to one lord married a neif who belonged to another lord, the children of such marriage were equally divided between the two slave-owners. — (Hargreaves's *Jurisconsult Exercitations.*) The law, as established in the thirteenth century, gave large facilities for the emancipation of villeins, and placed difficulties in the way of any accession to their number..... As to the artizans and lower orders in our cities and towns, no large portion of them, if any, could at this period have been in a state of slavery. In the time of Henry II. the villein from the country who resided, unclaimed by his lord, for a year and a day in a town with franchises, became thereby free; and it is difficult to suppose that any one born within a town would be in a worse condition. The absolute slaves, the theows and thralls of the Saxon time, cease to be mentioned soon after the Norman Conquest. The villeins in gross (who alone could be in an analogous position to that of those Saxon thralls who lived in the towns) were few in number throughout Anglo-Norman England; nor am I aware that any positive mention of them in the towns can be traced. Generally speaking we may consider that villeinage in John's time existed only among the rural population; but it is to be remembered that the relative proportion of the number of dwellers in the country to the number of dwellers in the towns was much greater than it has become in modern times. — (*Creasy on the Constitution.*)

name of his next heir should be entered into the same roll, and an inquiry made and presented what he held of the lord, and by what rents, customs and services, of every parcel by itself, and who is his next heir, and what age he is of; and this truly done and entered into the roll, it would be a conveyance of descent in manner of a petty degree, and profitable to the lords and also to the tenants. The name of every tenant must be put into the roll, and his mese place to be butted and bounded, that it may be known many years after who dwelled there; and what lands, meadows and pastures lay to the same at that time. And what works and customs the tenant doth for every parcel, and what the works and customs be worth in a year, and how much rent the lord doth pay for every parcel, besides the customs and works; to the intent that if any parcel of land, meadow or pasture, be alienated, sold or changed, or put from one tenant to another, the lord and his bailiff may know what rents, customs and works he shall ask and have of the occupier for every parcel.

X. COTTAGES AND CURTILAGES. — It is also to be inquired of cottagers, that is to say, what cottages and curtilages they hold, and by what service, and how much they do pay by the year for all their cottages and curtilages.

There is not so much rents, heriots, customs and services, to be paid and done, for a cottage, as there is for a mese place or a better tenement; but it may be like custom and service.

XI. PLEAS AND PERQUISITES OF COURTS. — It is also to be inquired of pleas and perquisites of the counties, and of the courts of the forests, with lawing of dogs [cutting off the claws of the fore-feet], and how much they be worth by the year in all issues [exitibus.]

The issues and profits of the counties, sessions and assizes are most commonly the king's, and they be kept and ordained by the sheriff and the justices of the peace, that be ordained and put in commission by the king and his council, and the issues and profits of them are estreated by the said justices, and returned into the king's exchequer, and there they rest of record, the which afterwards is estreated again, and sent down to the sheriffs of every county, to levy and gather up the same, and thereof to make an account in the said exchequer, and it is called "green-wax." And

the courts of the forests be ordained and kept by the justices of the forests and their deputies, and the issues and profits thereof, the which cometh most commonly by fines and amerciaments, are not estreated into the exchequer, but made out by the steward to the bailiffs and other officers of them that owneth the forest. It should be ordained that every township and hamell [hamlet] that ought to have common in any forests, chaces, wastes, moors, heaths, and such other great commons, where divers townships and hamells inter-common together, every township and hamell ought to have a diverse burning-iron; and every beast, horse, mare and colt that is put upon the common, ought to be burned in some part of his body with the said iron, and then shall every beast be known of what township he is; and that were a great readiness to the keepers, and also a great safeguard for stealing of the cattle. Then may the keepers, regarders, goysters,[83] and other officers of such forests and chaces, have perfect knowledge what township the cattle is of. And if any of these officers find any cattle having no such burning, they may attach them and seize them as strays, and put them in safe-guard to the lord's use, till they be yered and dyed [*i.e.* till they have been kept unclaimed a year and a day]. And they ought to ask [cry] them three Sundays in three or four next parish churches; and also cry them three times in three the next market towns. And if no man come within the year and the day, to make sufficient proof that the cattle is

[83] Goysters, *i.e.* Agistors or Agistators; so called because they take beasts to agistment, that is to pasture within the forest, or to feed upon the pannage, and it cometh of the French word *gyser*, to lie, because the beasts feed there lying and without rising. — (*Co.* 4, *Inst.* 293.) *Agistare*, to agist or to feed, and also *agistamentum*, the agistment or feeding of beasts, is derived of the Latin verb *agito*, to drive, sometimes to feed; of which the lawyers, by adding the letter s, have formed *agisto*, to feed beasts or cattle with herbage or mast. Agistment is in two sorts, — the agistment of the herbage of wood, lands and pastures; and also the agistment of the woods, which is the mast of the woods, which by a more proper word, for difference is called pannage ..... By the assizes of Henry II. called the assizes of Woodstock, "the king commandeth that in every county in which he hath a forest and venison, that there be twelve knights appointed to keep his venison in the same, and that his verderers, with the foresters, four knights called the agistors, shall agist his woods and pastures, and also receive his pannage." ..... For the agistors of the king's forest are only to receive all the money for the agistment of the king's demesne woods and lands themselves, and they are only chargeable to the king, to answer him for the same, as it doth appear by the assizes of the forest of Pickering, 8 Edward III. (Manwood's *Forest Laws*, cap. xi. sec. 3-6.)

his, then it is forfeit to the lord as a stray. And in like manner the swine and sheep of every township and hamell ought to be pitched with the said burning-iron, or such another like the same. No man shall have forest of right but the king, except he or his ancestors have had a special grant thereof by charter of the king and his progenitors in times past, and so used, &c.

XII. [CHURCH] PATRONAGES. — It is also to be inquired of churches that belong to the lord's gift, how many there be, and what, and where, and how much every church is worth by the year, after the true estimation of the same.

Oft-times he that hath right to present to a church at one time, hath not right to present to the said church at the next time. And that is where any sole patron of a church hath issue, two, three, or four daughters, and deceaseth, so that the rights of patronage of the said church descendeth to all the said daughters. When the church is void they shall present by turns, the eldest daughter first, &c., till they have presented once over, and then begin again at the eldest daughter; except they make any other partition amongst themselves by agreement. And so must the surveyor make his book, according to the right of the presentation, as every time, second time, third time, or fourth time, and so forth. Also what lords or gentlemen have their turns with them in the said benefice, and which of them presented last, and who shall have next, and who then, till they have gone about, and in what town it is, and in what shire and diocese it is, and what every benefice is worth by itself by the year, as it can be estimated.

XIII. LIBERTIES, CUSTOMS AND SERVICES. — It is also to be inquired what be the value of heriots, fairs, markets [escheats][33] customs, services, and foreign works and customs, and what the pleas and perquisites of courts, fines and reliefs, and all other casualties, are worth by the year, that may fall in any of these things.

When the lord would know what the extent is of all his whole lands, and also of every particular parcel by itself, it were too long a process to shew him all the particular accounts; wherefore he will cause his auditor

[33] Not in the original, but in the English of the statute book.

to make a value in abridgment of all the said accounts, and first to know the whole charge of all the particulars, what they be at first sight in the sums total. Then to divide the sums total into divers parcels, as the chief rents of the freeholders by themselves, the rents of customary tenants by themselves, tenants by indenture or tenants at the lord's will by themselves; so that he may make a gross sum of every manner of rent, so that one rent may be known from another. Also the perquisites of the courts by themselves; and they must be in like manner divided, as the pleas by themselves, the amerciaments for common trespass by themselves, fines by themselves, heriots by themselves, escheats by themselves; and so of reliefs, fairs, markets, and all other casualties, every of them by themselves, and ought to be presented in the court by themselves. Customs, service, and works be oft-time done by bodily services and works, and then they be not to be accounted for, but yet mention should be made in the account thereof. And many times such customs, services and works be turned into money; and then it commonly goeth with the rents, and the bailiff or reeve is charged therewith. As to "all other things that may fall to the lord, what they be worth by the year;" those may be taken as mines of tin, lead, ore [? copper], coal, iron, stone, freestone, millstones, grindstones, limestone, chalk, fullers' earth, sand, clay, gravel, broom, gorse or furze, marl, turves, thorns, wood, bushes, heath, fern or bracken, and such other, if there be any new found, and ought to be put in a rental to a certainty, or else to be put in an account by way of approvement. Then the auditor may divide the casualties from the certainties, and make a gross sum of them all; and yet may the value of everything appear, and be known how much it is by itself. And then must there be deducted out of the said gross sum all manner of out-rents and ordinary charges, as bailiffs' fees, reparation, and such other; and then to make a clear gross [*i. e.* nett] sum of every year by itself; because oft-times more casualties fall or come to the lord in one year than another. Therefore it is convenient that the clear gross sums of five or six years, or more, should be cast together in one gross sum, and to divide the sum into as many parts as there were years cast together, and then the clear value of one year will be commonly about that sum so divided. And thus endeth the brief declaration of this statute "Extenta Manerii."

CHAPTER XI.

PROCEEDINGS ON THE DEATH OF ROBERT GRESLET, SEVENTH BARON.

INQUISITIONS, A. D. 1282.

In 1273 Robert Greslet, — the seventh baron and the ward of Henry III., and by deputy of Edmund Crouchback earl of Lancaster during his minority, — came of age, and performed his homage to that king's successor, Edward I., in that year. From the first to the fourth of that reign (1273–1276) he was summoned to parliament by writ, as a baron. In 1277 he had a writ of summons to perform military service in person against Llewellyn prince of Wales, the muster being appointed at Worcester in the Octave of St. John Baptist (June 24 to July 1). In pursuance of this summons Robert Greslet acknowledged the service of two knights' fees, "ratione baroniæ suæ," and performed this by himself and three "servientes" (? serjeants or officers) in the expedition named.[34] In the 8 Edward I. (1279–80) when about

[34] The following is a translation of the "writ of military summons from Edward I. to Edmund earl of Lancaster" for this expedition:—"Edward by the grace of God king of England &c. to his beloved and faithful brother Edmund earl of Lancaster, greeting. Whereas Llewellyn, son of Griffin, prince of Wales, and his accomplices, our rebels, have invaded our lands and those of our lieges in the Marches, and do daily invade them, and therein perpetrate homicide and other enormous damages. And the same Llewellyn, though he owes obedience to us, hath despised and doth despise the same, to our prejudice and contempt; and to the grievous damage and injury of you and of others our lieges, for which already we are raising forces that we may be at Worcester in the octaves of St. John Baptist next coming, to the repressing of the rebellion of the said Llewellyn and his fautors; we command you that

twenty-eight years of age, Robert Greslet married Hawise,[35] daughter and coheir of John de Burgh (son of the celebrated Hubert de Burgh, earl of Kent, by his second wife Beatrice, daughter of William de Warenne) by his second wife Hawise, grand-daughter of Hawise de Laungval or Lamvallet.

To this period may be assigned a deed without date, by which Richard de Buron releases to Robert de Grelle his right to common pasture in Mamecestre, with reservations in favour of his men of Clayton. The first Richard de Byron, who was lord of Clayton, was the son of the Sir John who married Alice, cousin and heir of Robert Banastre. Richard had grant of free warren in Clayton, Butterworth, and Royton in June 1308, and died before 1347. The Robert Grelle, if one of the barons of Mamecestre, must have been the seventh, who died in 1282. The deed is worth preservation for the boundaries it records: —

Richard de Buron, by a deed sans date releases for ever to Robert Grelle [? seventh baron] and his heirs all the right I have, to the use of the aforesaid Robert Grelle, in common pasture in the manor of Mamecestre, and in all the members and demesnes pertaining to the said

at the said day and place, ye shall come, with horses and arms, as due by your service to us, ready with us to go forth in our expedition against the said Llewellyn and his accomplices, our rebels. Witness myself at Windsor, the 12th day of December, in the fifth year of our reign," 1276. — *(Rot. Claus. 5 Edw. I. m. 12. d.)*

[35] In the parliamentary writs and writs of military summonses, we find that in the year 1282, Hawise de Gresley (then about twenty-six years of age), widow of Robert de Gresley (seventh baron), made fine for the service of one knight's fee, on the occasion of the expedition of Edward I. against the Welsh, the muster being appointed at Rhuddlan on Sunday the 2nd August (pp. 232 and 239). Again in 1297, she was returned from the counties of Nottingham, Sussex and Surrey, as holding lands or rents to the amount of 20*l.* yearly value and upwards, either in capite or otherwise, and as such was summoned under the general writ, to perform military service &c. in parts beyond the seas. The muster to be at London, on Sunday the 7th July (pp. 289 and 294). By an inquisition post mortem 27 Edward I. (1299) Hawise was found to have been possessed of the vill of Burstal (co. Leicester;) Great Bromley manor (Essex;) Casterton manor (Rutland;) Wakerley manor (Northampton,) and the manor of Portslade with the church of Alrington, Estfield, and the pasture of Littleden (co. Sussex.)

manor &c., saving to me and my heirs and my men of Cleyton common pasture with the men of Atherdwic [Ardwick] within [or under] the underwritten bounds, to wit: — From the ford of Medelac, by Saltesgate, as far as to the hedge [or inclosure, *sepem*] of Cleyton, which is situated upon the Saltesgate, which descends from the house which was that of Alexander Franceis, as far as into the Corn-broc, and then descending as far as into the inclosure of Atherdwic, and by the inclosure of Atherdwic as far as into the bounds of Bexwic, and by the bounds of Bexwic to the bounds of Bradeford, and by the bounds of Bradeford to the Saltesgate. And Robert Grelle &c. may inclose, till, build upon, and ditch, all the said land without impediment. Witnesses: Sir Ralph de Hamule [? Hancotes], Sir Henry de Chetham, Richard de Hilton, Ralph de Moston, Robert de Hilton, Adam de Ashton, Alan de Midelton, Richard de Bracebrig, John de Riston and many others. (Endorsed) Byron and Grelle. Release of common of pasture within the manor of Mamecestre and boundary common. — *(Trafford Muniments.)*

Robert Greslet died in his homage — that is, he had not been formally invested with his lands — on Sunday the 15th February 1282 (10 Edward I.), — probably about thirty years of age; leaving a son and heir, Thomas, of the tender age of three years, and of course a ward of the king. This state of things rendered necessary the issue of writs to inquire into the possessions of the deceased baron, the age of the heir, &c., as required by law. Of these writs to the escheator and the sheriff, and the returns thereto of the inquisitions held, a record is preserved in the form of a closely written document, nearly covering a sheet of parchment, which Sir Oswald Mosley has liberally placed at the disposal of the Chetham Society, for the enrichment of this work. As this document has never before been printed, both the original Latin and a translation are subjoined. That two of the writs, one to the escheator and the other to the sheriff, and the respective returns to them, by records of the inquisitions held by juries, should be all set forth on one sheet of parchment, is easily explained. The whole is embodied in one instrument termed an "Inspeximus"

from its first word ("We have inspected," &c.), and also an "Exemplification," because it sets forth the very words of more ancient records or documents, which, having been inspected, are copied *verbatim*, or exemplified; and this attested and official copy, made under the seal of some superior court, is legal evidence in any court of law or equity. The seal which has been attached to this document is gone; but the silk cords by which it was appended remain.

As two inquisitions, or inquiries into the estates and possessions of the deceased Robert Greslet, were made within eight days, and before substantially the same jury, and are consequently of the same import, and to a considerable extent are couched in precisely the same terms, it has been thought best to give one entire, and, omitting the other, to mark every verbal variation of the second from the first, in notes. The inspeximus is apparently of the 29th May 1513, 5 Henry VIII.: —

[INSPEXIMUS.]

HENRICUS[36] dei grā Rex Anglie ꝛ Francie ꝛ Dominus Hibnie, Oīmib3 ad quos ꝑsentes ire pueñit, salt̄m. INSPEXIMUS quoddam br̄e d'ñi E. quondam Regis Angl primi post conquestum ꝓgenitoris nri Thome de Normanuill Escaetori suo vlt̄ Trentam[37] directum ꝛ in Cancellar suam retornatum in hec ꝟba: —

[36] There is nothing to show positively to which of our eight Henries this name applies; but probably to the eighth and last monarch of the name.

[37] Thomas de Normanville was probably the son of Gerard and Margery his wife, of a Yorkshire family; and this Thomas is called "Senescallus Regis" in a grant to him 4 Edward I. (1275–6) of the custody of the castle of Bamburgh, which office he held till the tenth year (1281–2) when he was appointed to the same duties under the designation of "king's escheator beyond Trent." This office he held (only exchanging it for a short time for the southern escheatorship) till the twenty-third year (1294–5) and it was probably in this official capacity that in 2 Edward I. (1283) he received the king's commands and commission to remove the sheriff of Cumberland. He was one of the justices itinerant for pleas of the forest only, in cos. Nottingham and Lancaster in 14 Edward I. (1286). In the 20 and 21 Edward I. (1291–3), he was a regular justice itinerant appointed for Herefordshire and Surrey. He died in 23 Edward I. (1295). — (Foss's *Judges of England*, vol. iii. p. 135.)

[WRIT TO THE ESCHEATOR.]

EDWARDUS dei grā Rex Angł Dominus hiḃn: ȩ Dux Aquit' dilco ȩ fideli suo Thome de Normanuill Escaetori suo vlt' Trentam salt'm. Quia Roḃtus de Greilly qui de noḃ tenuit in capite diem clausit extremū vt accepim⁹ voḃ mandam⁹ ꝑ oīes t're ȩ teñ de quib; idem Roḃtus fuit seisitus in dñico suo vt de feodo in balliua[38] vrā die quo obiit capiatis in manū nrām ȩ ea saluo custodiri fac donec aliud inde ꝑcepim⁹. Ita qđ de exitib; t're; ȩ tenemento; illo; a die mortis ipīus Roḃti noḃ respondere possitis ad Scac nrm̄ ȩ ꝑ sacrū ꝑbo; ȩ leg hom̄i de balliua vrā ꝑ quos rei itas melius sciri pot'it diligent' inquirend' quantum t're idem Roḃtus tenuit de noḃ in capite in balliua vrā die quo obiit ȩ quantum de aliis et ꝑ quod vicium ȩ quantum t're ȩ teñ illa valeant ꝑ annū vt in đnis redditib; villenagiis feodis militum aduocac̃oib; eccł'a; ȩ om̄ib; aliis exitib; t're ȩ quis ꝑpinquior heres eius sit ȩ cuius etatis. Et inquisic̃oem inde distincte ȩ apte fcām noḃ sub sigillo vrō ȩ sigillis eo; ꝑ quos fcā fuit sine dilone mittitus ȩ hoc ḃre. T. me ipō apud Dunamen xij die Marcij anno r̃ n decimo.[39]

INSPEXIMUS eciam quandam inquisic̃oem coram pfato Thoma ꝑtextu ḃris p'dā capta, et in eandem Cancellar retornatum in hec ba :—

[38] In the Latin of that age *ballivus* is a bailiff; *balliva*, a bailiwick or the tract of land over which the bailiff exercises jurisdiction. In those times the bailiff was a great officer, the name being derived from the French *bayliff*, equivalent to the prefect of a province. It was customary for the vice-comes or sheriff of a county to return to a writ of arrest that the person sought "is not to be found in my bailiwick" — "in balliva mea" — so that a county, and in this case the whole of the district north of the Trent, under the jurisdiction of the king's escheator, was termed a bailiwick.

[39] Dunamen was probably Dunham, co. Essex; or perhaps Great Dunham, co. Norfolk. There is also a Dunham, co. Notts. The date, 12th March, 10 Edward I. (1282) was a few months before the king's departure for Wales, where he remained about a year from November, 1282.

[ESCHEATOR'S INQUISITION.]

EXTENTA[40] MAN'II DE MAMECESTR' CUM MEMBRIS. — *Mamecestr' cum villis et hamelettis.* — Inquis' fcã p p'ceptum dñi Regis coram Thoma de Normanuill apud Mamecestr' die Sabbi in festo sã Marci Eu'ngeliste Anno r.r. E. decimo p Joh'em de [41]Byrun [42]Galfrm' de [43]Bracebrigge [44]milites, [45]Galfrm' de [46]Chathirton Dauid de Hulton Alex' de [47]Pilkynton Thomam de [48]Eston Rob'tm de [49]Sorisworthe [50]Elys de Leuir Ric' de [51]Radecliue Rob'm [52]Vnton [53]Adam de Cundecliue Adam fil Joh'is de Leuir, iur'. Qui dicunt p sacrm' suũ qd herbag' cũ fructu gard' Man'ii de Mamecestr' vat p annũ ijs.[54] Et est [55]ib'm quidam puis pcus que vocat' [56]Aldepc et Litheak[57] cui' herbag' cum pannag'[58] xxxiijs iiijd. Et est [59]ib'm quidam alius pcus que vocat' [60]Blakeley cuius herbag' [61]cũ mortuus boscus pannagiũ et aeria [62]espuarioꝝ ꝛ vat p annũ vjli xiijs iiijd. Et est ibidem quedam placea d'nicoꝝ p'r [*sic*] et herbag' que voc' [63]Bradford ꝛ [64]Brunhull ꝛ vat p annũ xls. Et est ib'm quedam placea que voc' Grenlawmõ p'dicoꝝ dñicoꝝ que vat p annũ lxxvjs viijd. Et [65]est ib'm quedam placea iux' crucem de [66]Opynsawe que vat p annũ vjs viijd. Et [67]est ib'm quedam placea que vocat' Le [68]Hules [69]et vat p annũ xiijs iiijd. Et quedam placea que vocat' [70]Kepirfeld de p'dcõ dnicõ[71] et vat p annũ

[40] What the inspeximus calls an inquisition, is intituled in the return itself an extent (which denotes a survey and valuation) of the manor of Mamecestre; and the reader may test for himself how far, in this instance, the return was made as required by the statute "Extenta Manerii," passed only six years previously. — (See chap. x.)

[41] The following variations are found in the sheriff's inquisition: — Biron. [42] Galfr. [43] Bracebrig. [44] [milites] *omitted.* [45] Galfr. [46] Chedirton. [47] Pilkyngton IS. ES. [48] Aston IS. ES. [49] Shoresword IS. ES. [50] Elis de Leure. [51] Radeclif. [52] Untoun ES. [53] Ad de Conteclif. [54] Qui dicunt p' sacr'm suu' qd in man'io p'dc'o apud Mamec' est quodd' capit' mes' cum quibusd' domibꝫ et quod' gard' cuius fruct' et herbag' valent p' annu' ijs. [55] Ibid. [56] Aldp'c. [57] [and Litheake] *omitted.* [58] Pannag' val. p' annu'. [59] Ibid. [60] Blakelee. [61] [cum] *omitted.* [62] sp'uar'. [63] vocat' Bradeford. [64] Bronhull. [65] [est ib'm] *omitted.* [66] Opinshale. [67] [est ib'm] *omitted.* [68] Le Hulles. [69] que. [70] Keperfeld. [71] [de p'dco dn'ico] *omitted.*

iiij^{s}. [72]Sunt ibm due place[73] que vocant^{r} [74]Milnwarde-croft et trã Sam et [75]vał p annũ ix^{s}. Et est ibm quedam ꝑra que vocat [76]Kipirclif et vał [77]p annũ iij^{s} iij^{d}. Et sunt [78]ibm due ptes vnius bouate ꝑre in Denton que reddunt[79] p annũ iiij^{s} ij^{d}. Et est [80]ibm quedam placea in [81]ffarnworthe [82]que reddit p annũ v^{s}. Et est in manꝺio ꝓdcõ vnũ molendinũ[83] aquaticũ [84]quod vał p annũ xvij^{li} vj^{s} viij^{d}. Et quoddam molendũm fulleriticum quod vał p annũ xxvj^{s} viij^{d}. Et est [85]ibm quidam furnus ꝯ V.[86] p annũ x^{s}. Est ibi[87] redditus assisus burgagioꝝ in Mamecestr que reddunt p annũ ad [88]Nativitatem dñi[89] Annunciacõe bẽ Marie Nativitatem Sã Johis Bapte ꝯ fm Sã Michis vij^{li} iij^{s} ij^{d}. [90]Theolonium m̃cati et ferie de Mamecestr[91] ad ꝓdcõs ꝑminos vj^{li} xiij^{s} iiij^{d}. Et de redditũ ararioꝝ [q.d. arrariorum] iuxtã villam ad ꝓdcõs ꝑminos[92] xvij^{s} vj^{d}. Et de redditũ [93]duaꝝ bouataꝝ ꝑre[94] in [95]Opinschawe ad ꝓdcõs ꝑminos viij^{s}. Et de redditũ [96]sexdecim bouataꝝ ꝑre [97]de bondagio in Gorton ad ꝓdcõs ꝑminos lxiiij^{s}. Et de firma cuiusdam placea ꝑre in eadem que vocat^{r} ꝑra aule, que reddit p annũ[98] xx^{s}. Et de firma vnius molendini in eadem xxvj^{s} viij^{d}. Et firma decem bouataꝝ et nonem acraꝝ ꝑre in Atheriswyke in bondagio ad eosdem[99] ꝑminos xliij^{s}. Et ibm quedam placea que[100] vocat^{r} [1]Twantirford ꝯ reddit p annũ[2] ad ꝓdicõs[3] ꝑminos vj^{s} viij^{d}. Et de firma decem[4] bouataꝝ ꝑre in Curmisale in bondag ad eosdem ꝑminos[5] xl^{s}. Et de redditũ quaꝝdam ꝑ assartaꝝ ibm ad ꝓdicõs ꝑminos x^{s} ij^{d}. Et de redditũ libe tenentium forinsecoꝝ tenentium de[6] Mamecestr ad eosdem ꝑminos vij^{li} ix^{s} viij^{d}. Et vñ hostoriũ sor de Thome de

[72] Et sunt ibi. [73] duo placea. [74] Milwardcroft. [75] que. [76] Kyp'clif. [77] [p' annu'] *omitted.* [78] ibi duo. [79] et valent. [80] ibi. [81] ffornword. [82] et. [83] Et est ibi J molend. [84] et. [85] ibi. [86] furn' que redd'. [87] Et est ibid'. [88] Natal'. [89] ad (before each of the four festivals.) [90] Teolon'. [91] eadem. [92] [ad p'dc'os t'minos] *omitted.* [93] ij. [94] t're in bondagio. [95] Opensal. [96] xvj. [97] in. [98] p' annu' ad t'minos p'dic'os. [99] Et de x bouatar' t're in bondag' Aderwyk, cum nonem acris t're ad eosdem, &c. [100] de quadam placea t're que, &c. [1] Twant'ford. [2] [et reddit p' annu'] *omitted.* [3] ad eosdem. [4] x. [5] t're in bondagio in Cormesale xl^{s} ad eosdem terminos. [6] de man'io de Mamecestr'.

Eston[7] ad festum Sā Michis et vna sagitta barbata de Ada de Leuyr. Et de redditū [8]de Sakefe ad eosdem ℞minos xlix^{s} et de firma Warde ad festum Natiuitatis Sā Johis Bapte xlix^{s} ij^{d} et q^{a}drantem. Et de firma quinq; balliuoꝝ peditū ꝑ balliuis suis ħend ꝑ annū[9] ad ꝑdc̄os ℞minos[10] C^{s}. ℈ de ꝑquisitis cur̄ burgi de Mamecestr'[11] viij^{s} et de ꝑlitis et ꝑquisitis cur̄ baron̄ man̄ij[12] C^{s}. Et est ib̄m[13] quoddam feodum de Wythingtō[14] quod debet ꝑ annū quandam aruram xv acraꝝ ℞re que vał ꝑ annū vij^{s} vj^{d} ℈ quedam consuetudo de eodē feodo ad metend̄ in autumpno ꝑtinen̄ ad xxx bouaꝝ ℞re que vał ꝑ annū ij^{s} vj^{d}. ℔ Sm^{a} extenti man̄ii de Mamecestr' iiij^{xx} iiij^{li} xij^{s} vj^{d} et quadr' ℔ Heton Norrays. Sunt ib̄m quadragint̄ acr̄ ℞re in dn̄ico cum[15] capitalo mesuagio et gardino que vał ꝑ annū xx^{s} et quedam placea de eodem dn̄ico que vocat^{r} le Milneridyng[16] et le Sporthe[17] que vał ꝑ annū xx^{s} et quoddam[18] molendinū cuius due ꝑtes reddunt ꝑ annū ad sup^{a}dc̄os iiij^{or} ℞minos[19] xiij^{s} iiij^{d} ℈ de firma liḃe tenen̄ ad ꝑdic̄os ℞minos ꝑ annū iij^{s} x^{d} ob. ℈ de firma octo bouataꝝ ℞re in bondagio ad ꝑdc̄os ℞minos xx^{s} ℈ de redditu viginti quatuor[20] gallinaꝝ de ꝑdcis bondis ad Natale ij^{s} ℈ de reddd' viij^{xx} ouoꝝ de ꝑdcis[21] bondis ad Pasch̄ iiij^{d} ℈ pann̄ bosci vał ꝑ annū vj^{s} viij^{d}. Et sunt ibi duo paria sirotecaꝝ que Adam de

[7] Et I oustoriu' de Thoma de Aston. "Hostorium" (Escheator) vel. "Oustorium" (Sheriff) = Aster = Avis venatoria. In a computus of 1202, "Renaudus falconarius, pro duobus *Hostoriis*, et uno falcone," &c. *(Du Cange.)* It is a variation, perhaps corruption, of *Austercus* = Accipiter major, the female great hawk, or goshawk, of which the male is the tiercel. Perhaps the word "Sor" in the text denotes that this hawk was to be a soar, *i. e.* of the age between taking from the eyry, till she has mewed, or cast her feathers. In the *Gentleman's Recreation*, a treatise of hawking and falconry, are directions "how to make the soar or haggard goshawk." "Soar hawks are so called, because having forsaken the eyry, and beginning to prey for themselves, they soar up aloft for pleasure. Haggards are they which prey for themselves, and also mew in the wood or at large." [8] [de] *omitted.* [9] [p' annu'] *omitted.* [10] t'minos p' annu'. [11] Mamecestr' p' annu'. [12] [man'ij] *omitted.* [13] ibi. [14] Withinton. [15] ib'm in d'nico xl acr' t're arabil' cum, &c. [16] vocat' Milriding. [17] Spert. [18] xx^{s}. ad eosdem terminos et quoddam, &c. [19] ad t'minos p'dic'os. [20] xxiiij. [21] ejusdem.

Leuyr debit p annũ.[22] Sm̃a istius mañii membr̃ Mamecestr̃ iiij^{li} vj^{s} iiij^{d} ob. ℔ Barton: Est ibi quoddã gardinũ cum una placea p̃ti ex̃a gardinũ cuius fructus et herbagiũ vał viij^{s} p annũ.[23] Et xl acr̃ t̃re in dñico et reddunt[24] p annũ xxvj^{s} viij^{d}. Et quedam piscaria que vał p annũ xviij^{d}. Et due ptes molendinoꝝ que vał p annũ[25] xxx^{s} et t̃cia ps molendini in manũ[26] cuiusdam dñe nõie dotis. Et de quadam t̃ra posita ad t̃minũ xxxviij^{s} viij^{d}. Et herbag̃ et pannag̃ bosci valent ix^{s}.[27] Reddit̃ assiꝰ liḃe teñ p annũ xvij^{s} xj^{d} ob. pquisitis hallemoti vał[28] p annũ v^{s}. ℔ Sm̃a p̃dā[29] mañii vj^{li} xvj^{s} ix^{d} ob. ℔ Keuerdeley.[30] Est iḃm quoddam mañium cum gardino cum duabꝫ placeis ex̃a que vał[31] p annũ vj^{s} viij^{d}. Est iḃm[32] vj xx acr̃ t̃re arabiles de dñicis que vał p annũ iiij^{li}[33] p̃s acre viij^{d}.[34] Et xiij acr̃ p̃ti que vał p annũ xxxiij^{s} vj^{d} p̃s acre ij^{s} vj^{d} ℓ quedam pastura que vocat^{r} le Warche cum le Wodeheye[35] que vał p annũ xiij^{s} iiij^{d} pannagiũ et mortuus boscus vał p annũ xiij^{s} iiij^{d}. Est ibi quidam liḃ tenens qui tenet xij acras t̃re et duas acras p̃ti et bosci p uno claue galiofili.[36] Et de reddit̃ bondoꝝ p annũ[37] lviij^{s} x^{d}. Et de redditu cottarioꝝ[38] iij^{s} iiij^{d}. Et due molendina unũ ventritic̃ et aliud aquatic̃[39] que vał[40] p annũ xx^{s} płita et pquisita hallemoti iiij^{s}. ℔ Sm̃a[41] xj^{li} xij^{s}. ℔ Istud mañiũ tenet^{r} de dño Edmundo ℓ ij^{li} ei[42] reddit̃ sed facit vnam sectam ad coñ lanc̃ et unam sectam ad wapentag̃ Derbie et est de Constabular̃ Cestr̃ ℔ Galfrũs de Chathirton[43] tenet de hereditate Roḃti Grelle I bou̇ t̃re in ffox-

[22] de Adam de Leuyr p' annu' ad f'm Sc'i Mich'is. [23] val' p' annum viij^{s}. [24] de d'nico que val'. [25] p' annum ad p'dc'os t'minos. [26] t'cia p's eor' est in manu, &c. [27] herbag' bosci cu' pannag', valent p' annum ix^{s}. [28] De reddit' &c. [p' annum] et [val'] *omitted*. [29] istius. [30] Keu'dle. [31] Est ib'm quoddam capital' mes' cum gardino et duabus placeis ex gardin' que val', &c. [32] Sunt ibi. [33] in d'nico que val' p' annum ad p'dcos t'minos iiij^{li}. [34] [p' acre viij^{d}] *omitted*. [35] Ward cum le Wodheye. [36] Est ibi quidam Will's qui tenet lib'e xij acras t're and ij acras p^{a}ti and bosci p' I claue galiofili p' annum. [37] p' annum ad p'dc'os t'minos. [38] cottarior' p' annum. [39] [unu' ventritic' et aliud aquatic'] *omitted*. [40] redd'. [41] Sm^{a} istius man'ij. [42] Et dicunt qd istud man'ium tenet^{r} de dn'o Ed^{o}. et ij^{li} reddit ei, &c. [43] Galf. de Chaderton.

dentoñ p Id ad Nat' ℓ est de feodi[44] coñ linc'. ∫ fforesta de Hopeworthe[45] ∫. Sunt ibm octo[46] vaccarie ℓ una placea que non est plena vaccar'[47] vat p annũ xixli pannag' eiusdam foreste[48] cum aer' espuaz'[49] que vat p annũ xls. Sunt ibm tres fforestarii qui custodiunt forestam ℓ hebunt escapia[50] ℓ dant p annũ lxs. ∫ Smꝛ forest' xxiiijli. ∫ Smꝛ tocius extente manlii pdci cum membris put infra patet cum foresta Cxxxjli vijs viijd quadrant', de quibz debent subtrahi p firma debita dño Edmundo de antiqua consuetudine vjli et xvjs et sic remanet de claro Cxxiiijli xjs viijd quadrant'. Et sciend' est qd manliũ de Mamecestr' Heton ℓ Barton tenent' de dño Edmundo de honore Lanc: p s'uic' faciendo sectam ad coñ Lanc. ℓ ad wapent' Salford[51] Nichil tenuit idem Robtus die quo obiit de dño Rege in capite in pdcõ manliis. Thomas fil pdci Robti ppinquior heres eius est et erit de etate trium annoz' ad festum sca laur' px futur'. Et idem Robtus diem claus' extremũ xv die ffebruar' ∫[52] Johes de Birun tenet Wityngton[53] ad t'minũ vite p feodo vnius milit' et fac'[54] sectam ad Curie Baronie de[55] Mamecestr' de tribz septimanis in tres septimanas. ∫ Rob de Lathum[56] Adam de Heton[57] Wills le Botiller Radulphus de Catterall Galfriũs de Writhinton[58] tenēt Perbald Dalton ℓ Writhinton p feodi I [vnius] mit. Et Thoñ de Eston[59] fac' sectam ad cur' p idem[60] ten' ∫ Idem Robtus tenet Terton et aliud Torton p quarta pte

[44] Natal' D'ni et est de feodo. [45] [de Hopeworthe] *omitted.* [46] Sunt ibi viij. [47] que. [48] [foreste] *omitted.* [49] aĕrijs sp'uar'. [50] Sunt ibi tres fforestarii custodientes forestam qui h'nt escapia, &c. [51] The following, omitted in the escheator's, is given in the sheriff's inquisition: — "Et comes de fferrar' h'uit homagiu' et s'uic' antecessor' dc'i Rob'ti de p'dc'is man'iis." [52] The long passage in the text, [Smꝛ tocius extente, &c. . . . . xv die ffebruar'] is *omitted* in the sheriff's return; the following standing in its place: — "ffeodi milit'. Sunt ibi quinqz feodi milit' et di' feodi et t'cia pars vnius feodi, videl't. Joh' de Biron tenet Withington," &c. [53] Biron tenet Withington IS. Wythington ES. [54] pro I feodo et facit, &c. [55] [de] *omitted.* [56] Rob' de Lathom tenet chocton. [57] [Adam de Heton] *omitted.* [58] Writhington. [59] Aston. [60] eodem.

feodi vnius militis.[61] ℣ Idem Robtus tenet Childewalle p mediet' I feodi[62] vnius militis[63] et fac' sectam de cur' ad cur'. ℣ Wills de Worthington tenet Worthington p mediet' feodi vnius militis[64] & fac' sectam de cur' ad cur'. ℣ Wills fil Willi de Andirton[65] & Almaria[66] vx' eius tenent Romeworthe[67] p t'cia parte feodi vnius militis[68] & facit [*sic*] sectam de Cur' ad Cū. ℣ Alex' de Pilkyntoñ tenet Pilkynton[69] p quarte pte feodi vnius militis & facit[70] sectam. Mañio de Barton cum membris tenet' p vno feodi vnius militis et est[71] in manu dñi. Heton tenet' p quarta pte feodi vnius militis & est[72] in manu dñi. Sm" feodor'[73]. ℣ Aduocacões eccliar'. Sunt ibidem[74] tres eccle (*sic*) que spectant ad donacõem dñi videlt eccliam de Mamecestr' CC. m̃. Childwelle[75] que valet CC. m̃. Ayston[76] xx m"cs.

INSPEXIMUS insup quoddam aliud bre eiusdem pgenitoris nri' Vic' suo Lanc' directum & in eandem cancellar: suam retornatum in hec verba: —

[WRIT TO THE SHERIFF.]

EDWARDUS dei gra' Rex Angl' Dñs hbñ & Dux Aquit' Vic' Lanc' sltm. Quia Robus Grelle qui de nob tenuit in capite diem clausit extremũ vt accepim' tibi pcipim' qd' omes tras et teñ de quibus idem Robo fuit seisitus in dñico suo vt de feodo in balliua tua die quo obiit sine dilone capias in manũ ñram & ea saluo custodiri fac donec aliud inde pcepim'. Et p sacrm̃ pbor' & leg' hom̃ de com̃ tuo p quos rei vitas melius sciri potit diligent' inquiras quantum tre idem Robo tenuit de nob in capite in balliua tua die quo obiit & quantum de aliis, & p qd iuiciũ & quantum tre

[61] Turton et aliam Torton pro q"rta p'te unius feodi, et fact' sectam. [62] mediet' I feodi. [63] [vnius militis] *omitted.* [64] eandem pro mediet' I feodi militis, &c. [65] Anderton. [66] Amaria. [67] Remeworthe. [68] t'cia parte I feodi et &c. [69] eandem IS. Pilkington ES. [70] p'te I feodi et. [71] facit &c. I feodo et est &c. [73] p'te I feodi, et est &c. [73] [Sm" feodor'] *omitted.* [74] Sunt ibi. [75] Eccl'ie Childwalle. [76] et eccl'ie de Aston.

ille valeant p annũ in oñibꝫ exitibꝫ ꝯ quis ppinquior heres eius sit ꝯ cuiꝰ etatis. Et inquisicõem illam inde distincte ꝯ apte fcãm noꝫ sub sigillo tuo ꝯ sigillis eoꝝ p quos fcã fuit sine dilone mittitis ꝯ hoc ꝫre. T. me ipõ apud Diuises xv die aprilis anno rꝰ nꝰ decimo.[77]

INSPEXIMUS similiꝰ quandam Extentam coram ꝑfato viꝯ virtute ꝫris ꝑdci fcãm ꝯ in eandem Cancellar: similiꝰ retornatũ, in hec ꝟba: —

[THE SHERIFF'S EXTENT.]

EXTENTA captã apud Mamecestrꝰ coram Henrꝰ de Lee, Vicecomꝰ Lancꝰ[78] p ꝑceptum dñi Regꝰ die d'nicã pxꝫ post fm apłoꝝ Phi ꝯ Jacobi anno r.r. E. decimo p Johem Biron [&c. ut supra.]

[*Last clause of Inspeximus and Exemplification.*]

Nos autem tenores bꝛium et inquisicionũ ꝑdctoꝝ ad requisicõe Radⁿ Prestwych armigꝰ duximus exemplificand p ꝑsentes. In cuius rei testimonium has ꝑras nꝰras fieri fecimus patentes. Teste me ipõ apud Westmꝰ vicesimo nono die Maij Anno regni nꝛi quinto. Smyth.

[On the seal fold]

Exª p Johem ffrank ꝯ Thomam Smyth } clicos.

[77] Devizes, co. Wilts. The 15th April, 10 Edward I. (1282), was just one month and three days after the writ of 12th March to the escheator. The comparison between them, as to the precise points of inquiry, will be best made from the translations of the two documents.

[78] Henry de Lea's lineage has been deduced from Warin de Lancaster, a lineal descendant from Ivo Talbois, earl of Anjou and baron of Kendal, *temp.* William I. It will suffice here to state that a John, son of a Warin, was lord of Lea, and that in the 27 Henry III. [1242–3] he left a son Henry de Lea or du Lea [near Preston] who was twice or three times sheriff of Lancaster, and died 17 Edward I [1288–9] possessed (according to the inquisition post mortem taken that year) of the manors of Chernock, Meles and Lea, and of lands in Quarlton. Great discrepancies prevail as to the shrieval years of Henry de Lea. In the list of sheriffs in Baines's *Lancashire* (vol. ii. p. 202) compiled from the MSS. of Hopkinson and Kenyon, collated with a MS. list, derived from the Pell Rolls, these years are stated to be 1277, 1284, and 1285, and

INSPEXIMUS.

HENRY, by the grace of God, king &c. to all to whom this present letter shall come, greeting. WE HAVE INSPECTED a certain writ of the lord Edward formerly king of England, the first after the Conquest, our progenitor, to Thomas de Normanville, his escheator beyond Trent, directed, and into his chancery returned, in these words: —

WRIT TO THE ESCHEATOR.

"EDWARD &c. king of England &c. to his beloved and faithful Thomas de Normanville, his escheator beyond Trent, greeting. Forasmuch as Robert de Greilly, who held of us in chief, has closed his last day [diem clausit extremum], that we may receive them, we command thee that all the lands and tenements of which the same Robert was seised in his demesne as of fee, in thy bailiwick, on the day on which he died, thou take into our hand, and that thou makest safe keeping of them, until we shall command otherwise. Also that concerning the issues of the lands and tenements of him Robert, from the day of his death, thou mayst answer to us, at our chancery; and by the oath of good and lawful men, of thy bailiwick, by whom the truth of the matter may be better known, diligently to inquire how much land the same

the sheriff of 1282 is Richard de Hoghton. In a note to the *Whalley Coucher Book*, p. 42, Mr. Hulton states that Henry de Lea was sheriff of Lancashire in 1276, 1277 and 1283; so that he too omits 1282, which must have been one of the years of Henry de Lea's shrievalty, or the king's writs could not have been addressed to him. In a printed list of sheriffs, stated to have been compiled from various old MSS., we find the following entries:—

3 Edward I. (1274–75) Henry de Lea.
9 „ (1280–81) Gilbert de Clifton and Henry de Lea.
11 „ (1282–83) Henry de Lea.

This seems to be the most correct account of Sir Henry de Lea's shrieval years and the last entry agrees in date with the two writs and the returns thereto in the text. All the printed lists of sheriffs of Lancashire that we have seen, are exceedingly imperfect; and are very inaccurate both as to dates and the orthography of names. A much better calendar of sheriffs than any extant might be constructed by the aid of such works as the *Whalley Coucher Book*, and of reference to extensive collections of old deeds, royal writs, &c. To a dateless deed (*Whalley, Coucher Book*, p. 42) "Sir Henry de Lee, then sheriff of Lancashire," is the first witness and "Sir Geoffrey de Bracebrugg', then steward of Mamecestre," the second. This was probably in 1282.

Robert held of us in chief in thy bailiwick, on the day on which he died, and how much of others, and by what service, and how much those lands and tenements are worth by the year, as in demesnes, rents, villenages, knights' fees, advowsons of churches, and all other issues of land; and who his nearest heir may be, and what his age. And the inquisition, for that cause clearly and openly made, to us, under your seal and the seals of those by whom it is made, without delay is to be sent, with this writ. Witness me myself at Dunham on the 12th day of March, in the 10th year of our reign." [12th March, 1282.]

WE HAVE ALSO INSPECTED a certain inquisition before the aforesaid Thomas, by virtue of the aforesaid writ, taken, and returned into the same chancery, in these words:—

THE ESCHEATOR'S INQUISITION.

EXTENT OF THE MANOR OF MAMECESTRE, WITH ITS MEMBERS.

Mamecestre with the vills and hamlets.

Inquisition made by the precept of the lord the king, before Thomas de Normanville at Mamecestre, on Saturday on the feast of St. Mark the Evangelist, in the 10th year of the reign of E.[dward II.] [Saturday, April 25, 1282], by

John de Byrun[79] Geoffrey de Bracebrigge, knights;[80]

[79] Of the twelve jurors two were knights, and the remaining ten were all freeholders of lands in the neighbourhood of Mamecestre. Sir John de Byron, knight, was the eldest son of John de Byron, the governor of York, by his wife Joan, daughter of Sir Baldwin Teutonicus, Thyers or Tyas, and widow of Sir Robert Holland, the secretary of Thomas earl of Lancaster. With this lady he received by gift from her father the large estates in Rochdale, which afterwards became the barony of the Byrons. Sir John the son, the juror in these inquiries and one of the witnesses to the charter of 1301, was styled lord of Clayton in the 29 Edward I. (1301). He married Alice, cousin and heir of Robert Banaster of Hindley, co. Lancaster. Their eldest son was Sir Richard Byron. Foss, in his *Judges of England* (vol. iii. p. 69) thus notices the two Johns, father and son:—A separate commission of Trailbaston was issued 13th March, 1305 (13 Edward I.) for the county of Lancaster, addressed to two justices, one of whom was John de Byrun. In the following month Lancashire was consolidated with the other northern counties, in a new commission in which his name was not included. (*Parl. Writs*, vol. i. pp. 407, 408). ..... The father of John de Byrun, the justice itinerant de Trailbaston, was seated at Clayton and appointed one of the conservators of the peace for Lancashire

Geoffrey de Chathirton[81]	Alex: de Pilkynton[83]
David de Hulton[82]	Thomas de Eston[84]

in the 15 Edward I. 1286–7. (*Parl. Writs*, vol. i. p. 389). He was sheriff for Yorkshire seven years from the 21 Edward I. [1293–1300], (see Fuller's *Worthies*), and was actively engaged in raising forces for the Scottish wars. In the 28 Edward I. (1300) he held a high place in the commission to perambulate the forests of Yorkshire and the neighbouring counties. John the son, for the first nine years of Edward II. (1307–1316) held an equally prominent position in Lancashire (*Parl. Writs*, vol. i. pp. 299, 398, vol. ii. pp. 8, 17); after which he is not mentioned. Foss says that some little confusion arising from the identity of name, renders it difficult to distinguish precisely the acts of the two Johns.

[80] (*Page* 140.) Sir Geoffrey de Bracebrugge or Bracebridge, knight, held the then high and important office of seneschal or steward of the manor of Mamecestre; an office, even so late as the reign of Elizabeth, not considered beneath the dignity of an earl of Derby to hold. Geoffrey was probably a descendant of the Robert de Bracebrugg to whom one of the Albert Greslets gave four oxgangs of land in his lordship of Mamecestre. (See *Testa de Nevill*, p. 75, *ante*.)

[81] Geoffrey de Chaderton was the second son of Richard de Trafford, who bequeathed to him the lordship and manor of Chaderton, on which Geoffrey changed his surname from Trafford to Chaderton. He left a son Henry, who according to a roll of pleas of 20 Edward I. (1291–2) had to resist a claim set up by his kinsman Henry de Trafford to recover the manor of Chaderton, on the plea that their common grandfather Richard de Trafford was "non compos mentis" when he devised this possession to his second son. The plea was over-ruled and the possession confirmed in accordance with the will of the testator. *(Rot. Placit. apud. Lanc.* 20 *Edward I. in the Chapter House, Westminster.)*

[82] David de Hulton was the son of Richard (see note 49 p. 69) and grandson of Jorverth de Hulton. His uncle Robert, by charter, gave all his lands in Hulton to David and his heir; hence he is styled "senior lord of Hulton." He married Agnes, daughter of Adam de Blackburne, and died before 1304, when his eldest son Richard, of Hulton Park, had a charter of free warren in his demesne lands of Hulton, Ordshall, Flixton and Heaton.

[83] Alexander de Pilkington was the son of Alexander, grandson of Leonard and great grandson of the Leonard Pilkington, who is said to have fought under Harold at the Battle of Hastings. This Alexander, according to old deeds, was living in 1262–1278, and here he was a juror in 1282 (see note 82 p. 79). He left two sons, Roger or Robert, and Richard. The former inherited the Pilkington estates; while to the younger (Richard) his father gave Rivington, and he thus became the progenitor of the younger or Rivington branch of the family.

[84] Thomas de Eston or Aston may have been either of Ormeston (*i.e.* Urmston) or of Ashton-under-Lyne, and it is useless to speculate on his identity.

Robert de Sorisworthe[85]	Robert Unton[88]
Elys de Levir[86]	Adam de Cundeclive[89]
Richard de Radeclive[87]	Adam, son of John de Levir[90]

jurors: who say upon their oaths —

That the herbage with the fruit [in the] gardens of the manor [house] of *Mamecestre* are worth yearly ij^{s}.

And there is in the same place a certain little park, which is called *Alde-parc* and *Lithe-ak*;[91] of which the herbage with the pannage [is worth] xxxiij^{s} iiij^{d}.[92]

And there is there a certain other park, which is called *Blake-ley*,

[85] Robert de Sorisworthe or Shoresworth was of an ancient family, taking their name from their small patrimonial estate, consisting of "one messuage and sixty acres of land called Shoresworth," in the township of Pendlebury. This Robert de Schoresworth (as he is therein named) witnessed a deed of Robert de Greslet in 1276. (See note 53 p. 70.) It is probable that this Schoresworth was the same place with Chadesworth, coupled with Pendlebury in the *Testa de Nevill*, p. 80 *ante*.

[86] Ellis or Elias de Lever was doubtless of that ancient family, but their early pedigree does not enable us to identify him.

[87] Richard de Radcliffe of Radcliffe Tower, was called "the old" to distinguish him from others of the name. In the 4 Edward I. (1276) he had a writ of novel disseisin, and held lands, &c., in Tottington, of the fee of Roger de Montbegon. He accompanied the king in his wars in Scotland, and obtained from him a charter for free warren in his manors of Radcliffe and Quarndon, in the thirty-second year of his reign, 1304. — (*Rot. Chart.* 32 *Edward I. mem.* 17.)

[88] Robert Unton we cannot identify; but he was probably of the same family with a Richard Unton and Alice his wife, named in two deeds relating to Droylsden, of 1414 and 1416.

[89] Adam de Cundeclive (the original form of the existing surname of Cunliffe) we have not traced. The name is doubtless local, from Cunliffe, a hamlet in the township of Rishton, parish of Blackburn, distant three miles N.E. from Blackburn. There was of old a Cuniclyve in co. Northumberland.

[90] Adam, son of John de Lever, was living 1 Edward I. (1273). He married an Agnes or Avis, and probably died before 27 Edward I. (1299), leaving a son John.

[91] It may be well to state here once for all, that any observations on the etymology or orthography of local names will be reserved for a later part of this work. In the translations of these records, we have ventured to suggest the origin or derivation of local names, by dividing long compound words into what seem their component parts, by the use of the hyphen.

[92] For the valuing of herbage and pannage, &c., see chap. x. sec. vi. *ante*.

of which the herbage, with the wind-fall wood[93] pannage and aëry of sparrowhawks [espervariorum][94] are worth yearly, vj^{li} xiij^{s} iiij^{d}.[95]

And there is there a certain plot of demesne lands and herbage,[96] called *Brad-ford* and *Brun-hull*, and it is worth yearly xl^{s}.

And there is there a certain plot which is called *Gren-lawe-more*, of the same demesne lands, which is worth yearly lxxvj^{s} viij^{d}.

And there is there a certain plot, near the cross of *Opyn-sawe*, which is worth yearly vj^{s} viij^{d}.

And there is there a certain plot which is called *Le Hules* and it is worth yearly xiij^{s} iiij^{d}.

And a certain plot which is called *Kepir-feld*, of the aforesaid demesne, and worth yearly iiij^{s}.

There are there two plots which are called *Miln-warde-Croft* and *Sam-land* [t'ra Sam] and they are worth yearly ix^{s}.

And there is there certain land which is called *Kiper-clif* [or Keeper-cliff] and is worth yearly iij^{s} iij^{d} [*sic.*]

And there are in the same place two parts of one oxgang of land in *Den-ton*, which pay yearly iiij^{s} ij^{d}.

And there is there a certain plot in *Farn-worthe* which yields yearly v^{s}.

And there is in the aforesaid manor one water-mill, which is worth yearly xvij^{li} vj^{s} viij^{d}, and a certain fulling-mill, which is worth yearly xxvj^{s} viij^{d}.[97]

[93] *Mortuus boscus*, or *Mort-bois* is the wind-fall wood in a forest. The prior of Lancaster had by charter every day two cartloads of *morte-boys* to be burned in his priory; and because he took *viridem boscum* (green or living wood) *pro mortuo bosco*, contrary to his charter, the benefit and profit of his estovers was seized into the hands of the lords of the forest. For the which the prior made fine to have his estovers again 3*l.* 6*s.* 8*d.* [*i.e.* five marks] and he had his estovers again. — (*Itiner. Lanc.* 10 Edward III. 1336, fol. 65 a.)

[94] Every freeman shall have within his own woods aëries of hawks [*i.e.* gos-hawks] sparrow-hawks, falcons, eagles and herons, and shall have also the honey that is found in his woods. — (*Carta de Foresta*, cap. 13.)

[95] 6*l.* 13*s.* 4*d.* seems a large yearly issue from a park in the thirteenth century. It was derived from four sources, — the grass, the wind-fallen wood, the rent paid for feeding pigs on the mast in the time of pannage, and from an aëry of sparrowhawks. These birds were long valued at 12*d.* each. For the valuing of parks and demesne woods, see chap. x. sec. iv. *ante*. For pannage, &c., see same chapter sec. vi.

[96] For the valuation of the demesne lands, with the herbage, &c., see chap. x. sec. ii. *ante*.

[97] For the extending, or surveying and valuing of mills, &c., see chap. x. sec. vii.

And there is there a certain oven [or bake-house], and it is worth yearly x^s.[98]

There is there an assise rent[99] of burgages in *Mame-cestre* which yield

ante. At the lord's water corn-mill, all the burgesses and tenants of Mamecestre proper were bound to grind, paying a multure or miller's toll, and from this source it will be seen the miller paid a large rent to the lord. The fulling or walke mill was on the Irk, and gave the name to the Walkers' (*i.e.* Fullers') Croft. Corn being a more universal necessary than woollen cloth, the rent paid by the fuller was much less than that of the corn miller, being only two marks yearly. In his *Boke of Surveying*, Sir Anthony Fitzherbert thus specifies the various kinds of mills which the lord of the manor may set up on his standing and running waters, to his great ease and profit: — On the great rivers *corn-mills* that be called *ground-mills*, because the over side of the head-sill lyeth even level with the over side of the ground in the bottom of the water. *Fulling-mills*, otherwise called *Walke*-mills, may be made in like manner, and stand also upon the great rivers. These mills, he says, may not be turned by the great stream, but have water conveyed to them by a mill-fleme [stream, gate or goit] artfully made; or they may be set upon small rivers, without any fleme; but only as wear and floodgates. There be two manner of corn-mills, — a braste mill and an overshot mill. These be set to go most commonly on small brooks, and upon great pools and meres. [He describes how they work by ladles or buckets.] Another manner of fulling-mills may be set to go upon the small brooks, pools or meres, called fallers. [He describes the working-parts. He enumerates without description wind-mills and horse-mills. Elsewhere, in the same treatise, he thus refers to the lord's mill]: — A wind-mill whereunto all the lord's tenants are bound to grind all their corn and malt that they occupy of their own, at the said mill, as well free tenants as other. And the lord shall find all manner of timber and iron-work, board and nails, and bring them to the mill, and the milner shall nail up the boards, make his shafts, and the sail-yards, uphold and re-parell the spindle and the rind, the mill-pikes and the sail-cloths, cog and rung, at his own proper cost and charge. And [the milner] shall pay by the year 20*s*. at the terms there usual, and to grind the lord's corn and malt toll-free, and to grind it first, next to the corn that is in the hopper, if any be, &c.

[98] The lord's oven or bakehouse at which all the burgesses and tenants of the town were bound to bake, is not particularly specified in the *Statuta Manerii*, but is doubtless comprehended under the general head of "Customs and Services" (chap. x. sec. xiii. *ante*.) It was held that a custom to have a common bakehouse in a manor or parish, for all the tenants or inhabitants, is a good custom. — (2 *Bulst*. p. 198.) The text nowhere states what was the ordinary baking-fee; but it is probable that the lord's bakehouse was let to a baker at a yearly farm or rent of 10*s*., the baker receiving all the baking fees.

[99] Rents of Assise (*reddítus Assisæ*) are the certain, fixed, or set rents of free-holders and ancient copyholders, because they are assised and certain, and distin-

yearly, at the Nativity of our Lord, at the Annunciation of the blessed Mary, at the Nativity of St. John the Baptist, and at the Feast of St. Michael, vij^{li} iij^{s} ij^{d}.

The tolls of the market and the fair of *Mamecestre*, at the aforesaid terms, vj^{li} xiij^{s} iiij^{d}.[100]

And of the rent of the plough lands near the vill, at the aforesaid terms xvij^{s} vj^{d}.[1]

And of the rent of two oxgangs of land in *Opin-schawe*, at the aforesaid terms viij^{s}.

And of the rent of sixteen oxgangs of land of [or in] bondage [tenure] in *Gorton*, at the aforesaid terms lxiiij^{s}.[2]

And of the farm of a certain plot of land there, which is called the land of *the Hall* [or *Hall land* = "t'ra aule"] which yields yearly xx^{s}.

And of the farm of one mill in the same place [Gorton] xxvj^{s} viij^{d}.

And of the farm of ten oxgangs and nine acres of land in *Atheris-Wyke* in bondage [tenure], at those terms, xliij^{s}.

And there is there a certain plot which is called *Twantir-ford*, and it yields yearly at the aforesaid terms vj^{s} viij^{d}.

And of the farm of ten oxgangs of land in *Curmi-sale* [Crumpsall] in bondage, at those terms, xl^{s}.

guished from *redditus mobiles*, or shifting rents. — (2 *Inst.* fol. 19.) The assise or fixed rent for a single burgage in Mamecestre was 12*d.* yearly; at least that is set forth in the charter of 1301, only nineteen years later than this inquisition. If, then, we take the total lord's assise rent of burgages (7*l.* 3*s.* 2*d.*) to be made up of so many separate shillings as there were burgages in the town, we get a total of about 143 burgages.

[100] The lord of the manor had nearly as large a rental from the tolls of his weekly Saturday market, and his yearly three days' fair in September, as from all his burgage rents. In the statute "Extenta Manerii," the issues from markets were included in sec. xiii. "Liberties, Customs and Services" (chap. x. *ante.*)

[1] The original has "*arariorum*," forté *aratrorum*. "Aratrum terræ" is as much as can be tilled with one plough. Thus we have "Hoc manerium est 30 aratrorum." (*Thorn.* A.D. 616.) This manor is of thirty ploughlands. Hence *aratura terræ* is the service which the tenant is to do for his lord in ploughing his land. — (*Jacob.*)

[2] Bondage (*bondagium*) is a servile tenure, differing from *villenage;* and of bondagers or bondmen some were so by birth or stock (*de stipite*) and others by bond contract or agreement (*conventionarii*).

And of the rent of certain assarted lands there, at the aforesaid terms x^{s} ij^{d}.[3]

And of the rent of the free tenants, foreign [or outside] tenants of *Mamecestre*, at those terms vij^{li} ix^{s} viij^{d}.[4]

And one soar gos-hawk [hostoriu' sor'] from Thomas de Eston, at the Feast of St. Michael, and one barbed arrow from Adam de Leuyr.[5]

And of the rent of Sakefe [sak-fee] at those terms xlix^{s}.

And of the farm of the warde [? castleward] at the Feast of the Nativity of St. John Baptist xlix^{s} ij^{d} farthing.

And of the farm of the five Foot-Bailiffs [quinque ballivor' peditu'] for having their bailiwicks, yearly at the aforesaid terms, C^{s}.

And of the perquisites of the court of the borough of *Mamecestre* viij^{s}.

And of the pleas and perquisites of the court-baron of the manor C^{s}.[6]

[3] Assarted lands (*assarta*, from French *assartir*, to make level or plain; perhaps from *exaratum*, or *exartum*, ploughed or cut up) are lands originally wood or forest, but from which the timber has been cut and the roots grubbed up, so as to make the land arable. It was an offence to assart land in the forest without license.

[4] A freeholder may dwell out of the precinct of the lord's manor, and yet hold his land of the said manor. (See chap. x. sec. viii. *ante*.)

[5] These renders, in the place of money rent, are what are called rent services, and they are "entire," and of "things pleasurable," as a hawk, an arrow, &c. They probably originated in the marriage of a daughter of the grantor with the grantee. Of this nature, too, are what are now called nominal rents, as a pepper-corn, a clove, a pair of gloves worth a penny, a rose in June, a penny knife, &c. For gos-hawk see note 7, p. 134 *ante*. As to Thomas de Eston, we have seen by the *Testa de Nevill* (p. 76 *ante*) that Albert Greslet *senex* gave to Orme, son of Eward or Aylward, a carve of land in Eston with his daughter Emma in marriage, to be held by a rent of 10*s*. yearly.

[6] The rent of sac-fee, the farm of ward, and the farm of the five foot-bailiffs (the chief bailiff having a horse allowed him) are so many rents paid to the lord by those who farm the collection of rent, or hold office of profit under the lord. Probably each foot bailiff paid 20*s*. yearly to have his office. Of the two courts mentioned the former (the *port-mote* or *portemanmote*, from *portus*, a town, *mote* meeting) was a small court with small fees, held by the burgesses for petty matters; the other was the great "court baron" of the lord of the manor, held at first every three weeks, afterwards twice a year (with the court-leet) about Easter and Michaelmas, when all burgesses and other tenants of the manor were bound to appear, and do suit and service. The perquisites of this court were received in the first instance by a clerk of the steward.

And there is there a certain fee of *Wythin-ton*, which owes yearly a certain day's plough-labour [or sowing, *aruram*] of xv acres of land, which is worth yearly vij^{s} vj^{d}.[7]

And a certain custom of that fee to reap in autumn, belonging to xxx oxgangs of land, which is worth yearly ij^{s} vj^{d}.[8]

The sum [or total] of the extent of the manor of *Mamecestre*, $\overset{xx}{\text{iiij}}$ iiij^{li} xij^{s} vj^{d} qr. [84*l.* 12*s.* 6¼*d.*][9]

HETON NORRAYS.

There are there forty acres of land in the demesne, with a capital messuage and garden, which are worth yearly xx^{s}.

And a certain plot of that demesne, which is called *le Milne-ridyng* and *le Sporthe* [or *Sperthe*] which is worth yearly xx^{s}.

And a certain mill, of which two parts yield yearly, at the aforesaid four terms, xiij^{s} iiij^{d}.

And of the farm of the free tenants, at the aforesaid terms, yearly iij^{s} x^{d} halfpenny.

And of the farm of viij oxgangs of land in bondage [tenure], at the aforesaid terms, xx^{s}.

And of the rent [or yield] of xxiiij hens [or poultry: *gallinaru'*] of the aforesaid bordars [? bondis] at Christmas [Natale] ij^{s}.

And of the rent of $\overset{xx}{\text{viij}}$ [eight score, or 160] eggs [ovor'] of the aforesaid bordars at Easter iiij^{d}.[10]

[7] Ducange gives two meanings in v. *Arura*: 1. *Ager satus*; a sown field, and 2. *Aratio*, a ploughing or tilling.

[8] These two customs are of what is termed servile tenure or villenage. Plough-labour of fifteen acres in the one case, reaping in the other of thirty oxgangs, are the terms by which the tenants held their land of the lord, — these services being done by them without wages. As to reaping by custom, see note 22 p. 24 *ante*.

[9] The lord's revenue from his manor from the sources specified in the text, though seeming a small sum to the modern reader, should be multiplied at least fifteen fold, to represent its true money value to our minds. This would give a total of 1269*l.* 7*s.* 6*d.*

[10] The small rents in kind, as these of hens and eggs, are said to have been paid by the *bondis*; but this may be an error of the transcriber, and the original word may have been *bordariis*, which may be rendered bordars or borde-tenants. This class of servile tenants, often named in Domesday, had a *bord* or cottage, with a small parcel of land allowed to them, on condition that they should supply the lord with poultry and eggs, and other small productions for his *board* or entertainment. (*Jacob.*

And the pannage of the wood, worth yearly vj^{s} viij^{d}.

And there are there two pairs of gloves, which Adam de Leuyr owes yearly.[11]

The sum of this manor, member of Mamecestre, is iiij^{li} vj^{s} iiij^{d} half-penny.[12]

BARTON.

There is there a certain garden, with a plot of meadow outside the garden, of which the fruit and herbage are worth viij^{s} yearly.

And xl acres of land in the demesne, and they yield yearly xxvj^{s} viij^{d}.

And a certain fishing [or fishery] which is worth yearly xviij^{d}.[13]

See also in v. *Bord-land, Bord-lode and Bord-service.)* *A census gallinarum* or poultry-rent is mentioned in the liberties of the town of Villereys in the year 1253. A rent of poultry,—capons,—is also mentioned in a charter of Charles II., king of Sicily, in 1303. (See *Ducange* v. *Gallinarum*). A rent of "gallinas xl" (forty hens) occurs in Domesday. The rent of hens was paid at Christmas, when there was a large provision of good cheer at the manor-house. The rent of eggs was at Easter, when eggs were in great demand, both for culinary purposes, and as Pasche or Pace eggs.

[11] Amongst the small nominal renders, by way of rent or service, to the lord, one of the most common was one or more pairs of gloves; "pars chirothecarum, vel cirothecarum." Sometimes "white gloves" were designated. Gloves were given to bishops on their creation, to sergeants-at-law on their receiving the coif; and to servants and workpeople on the completion of some particular work, as on the completion of Gawthorpe Hall. (See *Shuttleworth Accounts.*) These gifts were sometimes, at a later time, commuted for money, called "glove-silver." Thus amongst the ancient customs of the Abbey of St. Edmund was giving to the servants glove-silver at the feast of St. Peter, viz., to the clerk of the cellarer twopence, the esquire of the cellarer elevenpence, the granger or farmer elevenpence, and the cow-herd (vaccarius) one penny. *(Cart. St. Edm. MS.* 323). Glove-money has also been applied to extraordinary rewards given to officers of courts, &c. It is now given on the circuits [and at sessions] by the barristers to the crier of the court. — *(Jacob.)*

[12] The various items of issues &c. in Heton Norris, make a total of 4*l.* 6*s.* 2½*d.*; so that the twopence wanting to agree with the total in the text, must be the value of the two pairs of gloves, which constituted the render of Adam de Lever for his possessions in this township.

[13] For fisheries or fishings, and the mode of valuing them, see chap. x. sec. 7, *ante.* Sir Anthony Fitzherbert in his *Boke of Surveying* observes: There be divers manners of waters, that is to say, standing waters, as pools, meres, moats, and stews; and also running waters, as great rivers, small rivers, brooks, suches [sikes or ditches], well-springs and pits. Then what profit may come to the lord out of them? The lord may set [or let] the fishings of all these said waters to his tenants for certain rent, and he may reserve to himself certain fish, or to fish certain times, or at any time at his pleasure.

And two parts [*i. e.* two-thirds] of the mills, which are worth yearly xxx^{s}.

And the third part of the mills, [is] in the hand of a certain lady,[14] in the name of dower.

And of certain land laid out [or planted, t'ra posita] at the terms, xxxviij^{s} vj^{d}.

The herbage and the pannage of the wood are worth ix^{s}.

The rent of assise of the free tenants yearly xvij^{s} xj^{d} halfpenny.

The perquisites of the Hallemote are worth yearly v^{s}.

The sum [or total] of the aforesaid manor vj^{li} xvj^{s} ix^{d} halfpenny.[15]

KEURDELEY.[16]

There is there a certain manor-house with a garden, with two plots outside [the garden], which are worth yearly vj^{s} viij^{d}.

There is there six score [120] acres of arable land, which are worth yearly iiij^{li}; worth the acre viij^{d}.

And xiij acres of meadow, which are worth yearly xxxiij^{s} vj^{d} [? 32*s.* 6*d.*]; worth the acre ij^{s} vj^{d}.

Also a certain pasture which is called *le Warche* with *le Wood-heye*, which is worth yearly xiij^{s} iiij^{d}.[17]

[14] Probably Edith de Barton.

[15] The Halmote (from *Heall*, Anglo-Saxon hall, and *gemote*, meeting) was a court for the assemblage of the tenants of one hall or manor; the lord's court, in which differences between the tenants were determined. It must not be confounded with *Halymote*, a holy or ecclesiastical court of the olden time. It was for the out districts of the manor what the court baron was for the town and entire manor. The various items of issues in Barton, just make the total sum in the text.

[16] Cuerdley is a township in the parish of Prescot and hundred of West Derby, four miles west from Warrington.

[17] Pasture *(pastura)* is generally any place where cattle may feed; and feeding for cattle is called pasture, wherefore feeding grounds are called common of pasture. But common of pasture is properly a right of putting beasts to pasture in another man's soil. (Wood's *Inst.* pp. 196, 197). For in those waste grounds which are usually called "commons," the property of the soil is generally in the lord of the manor; as in common fields it is in the particular tenants. *Pastura* differs from *pascua*; for *pastura* signifies all kinds of feeding, whether in meadows, in stubble, in fields, or in plains; but *pascua* is the place principally set aside for the feeding of cattle, whether on hills, moors, marshes, or on plains not tilled by the plough.

The pannage and the wind-fall wood [mortuus boscus] are worth yearly xiij^{s} iiij^{d}.

There is there a certain free tenant, who holds xij acres of land, and two acres of meadow and wood, by one clove.[18]

And of the rent of the bondagers yearly lviij^{s} x^{d}.

And of the rent of the cottagers iij^{s} iiij^{d}.[19]

And of [the rent of] two mills, one a wind-mill and the other a water-mill, which are worth yearly xx^{s}.

The pleas and perquisites of the Hallemote iiij^{s}.

The sum [or total] xj^{li} xij^{s}.[20] This manor is held of the lord Edmund [surnamed Crouchback, earl of Lancaster] and yields ij^{li} to him; but makes one suit to the county of Lancaster and one suit to the wapentake of Derby, and is of the constable-wick of Chester.

Geoffrey de Chathirton holds by inheritance of Robert Gresle one oxgang of land in *Fox-den-ton* by a penny at the nativity [of the Lord], and it is of the fee of the earl of Lincoln.[21]

[18] A clove *(Caryophylum*, French *Giroſle)* is another of the nominal renders (next in value to the pepper-corn) for possessions originally granted of grace, favour, or affection. The orthography of the Latin form varies greatly in old grants and charters, where it generally has G for its first letter, instead of C. Thus *Garyophilum*, *Garioſilum*, *Gariofolium*, *Gariofolum*, &c., and occasionally we meet (as in the text) with *Garioſili clavus*, or a clove of clove.

[19] For cottages, and the mode of valuing them, see chap. x. sec 10, *ante*.

[20] Leaving out of the consideration the clove paid or rendered for fourteen acres of land, the sum of the items of the issues of Keuerdley or Cuerdley, does not agree with the total in the text. Instead of *11l. 12s.*, they only amount to *9l. 13s.*; and it is possible that the transcriber has written xj for ix, and xij for xiij, which would remove the discrepancy.

[21] For Geoffrey de Chaderton, see note 81, p. 141, *ante*. Oxgang or bovate (from *ox bos*, and *gang*, or *gate*, *iter*) usually denotes fifteen acres of land, or as much as one ox can plough in a year; Skene says thirteen acres. Other records vary from eight to twenty-four acres. A penny a year is another of the nominal rents which mark what are more like gifts than grants for service. This earl of Lincoln was Henry de Lacy, grandson of John and son of Edmund de Lacy, fifth and sixth earls. He succeeded in 1257; and having married Margaret, daughter and co-heir of William de Longespee (commonly called countess of Salisbury, though her father's claim to the earldom was never allowed), he also bore the title of earl of Salisbury jure uxoris. He died in 1312 s. p. m. Alice, his daughter and heir, married — first, Thomas Plantagenet, earl of Lancaster, who is said to have been earl of Lincoln in her right. After his death (in 1322), she married, secondly, Eubold le Strange, who

FOREST OF HOPEWORTHE.[22]

There are there eight vaccaries [cow-gates or pastures][23] and one plot which is not a full vaccary, and they are worth yearly xix[li].

The pannage of the same forest,[24] with the aëry of sparrow-hawks, are worth yearly xl[s].

There are there three foresters, who keep the forest and have *escapia*[25] and give yearly lx[s]. The sum of the forest is xxiiij[li].

The sum total of the extent [or survey] of the aforesaid manor with its members, as it appears below, and with the forests, is Cxxxj[li] vij[s] viij[d] farthing. From which there ought to be subtracted for the farm due

died s. p.; and thirdly, Hugh le Fresnes. This Alice styled herself countess of Lincoln and Salisbury, and died in 1348, s. p.

[22] From the text and context, and from various other facts, it is certain that what is here (possibly by a scribe's error) called the forest of *Hopeworth*, is in reality that of *Horewych*; which was sixteen miles in circumference, and the issues of which produced yearly to the lord of the manor 24*l.*

[23] Vaccary in one sense is a house or place to keep cows in; but here it means a cow-gate, walk or pasture for a cow. — (*Fleta.*) For a list of eight vaccaries in Horewych with their names, &c., see vol. ii. chap. xvi. the extent of 1322, under the head "Pasture." In Lancashire in more modern times the word "booth" came into use, in place of vaccary.

[24] The pannage of the forest of Horewych and the aëry of hawks, appear to have been the only issues valued in 1282. Thirty-eight and forty years afterwards we find the vesture of oaks, the wild honey, and the wood ashes grown or produced in the forest, the subject of careful valuation to the lord's profits. For the valuing of forest pannage and aëries of birds, see chap. x. secc. iv. v. and vi. *ante.*

[25] In one of the forest statutes the mode of a forester's walking and watching in the forest is strictly prescribed: "That the foresters rising early and going into their bailiwick, shall there do their accustomed duty until the ninth hour [*horam nonam*, ? the hour of noon, or of three p.m., the *nones* or *nona* of the canonical hours], and then go to dinner; and quickly after dinner returning into their bailiwick, namely into those parts where they had not been before dinner, there go, listening and lying in wait [*audientes et insidiantes*], that no one does ill there, until evening [*vesperum*, *i.e.* canonically from about four to seven o'clock, p.m.]. And so he shall do every day." — *Escapia*, or Escapes. If any man's beasts be found within forbidden lands, or in the fence [or fawning] time within the forest, every owner of such beasts shall be amerced, for every foot one penny. For a second offence, the like amerciament. For a third the beasts shall be forfeited to the lord of the forest. These are called escapes, and he that is "quietus de escapio" is clearly discharged of the same. — (*Manwood's Forest Laws*, chap. 25.)

to the lord Edmund, of ancient custom vj^{li} and xvj^{s}; and so there remains clear Cxxiiij^{li} xj^{s} viij^{d} farthing.[26]

And it is known that the manors of *Mamecestre*, *Heton* [*Norris*] and *Barton* are held of the lord Edmund of the honour of Lancaster by service; doing suit to the county of Lancaster and to the wapentake of Salford. Nothing was held by the same Robert on the day on which he died, of the lord the king in chief, in the aforesaid manors.

Thomas, son of the aforesaid Robert, is his next heir, and will be of the age of three years at the Feast of St. Lawrence[27] next coming. And the same Robert closed his last day on the 15th day of February.[28]

KNIGHTS' FEES.

John de Birun[29] holds *Wityng-ton*, for the term of his life, for one knight's fee and does suit at the court baron of *Mamecestre*, from three weeks to three weeks.[30]

[26] The net income from the whole of the manor of Mamecestre with its forests, in 1282, was just 124*l.* 8*s.* 11½*d.* which, multiplied by fifteen, would give its equivalent in our present money, 1866*l.* 14*s.* ½*d.* The two sums payable to Edmund earl of Lancaster were probably 6*l.* for sak-fee and 16*s.* for castleward. In an extract from the rent-roll of this earl, rather later (printed as a note on a subsequent page of this chapter), the sake-fee for the land of John de la Warre is stated to be 4*l.* 3*s.* 6*d.*

[27] It is difficult to fix this birth-day, there being no fewer than four saints in the calendar bearing the name of Lawrence, viz.: First, archbishop of Canterbury and confessor, February 2. Second, archbishop of Dublin, November 14. Third, deacon and martyr (on the gridiron), August 10; and, fourthly, Lawrence Justinian, bishop of Venice, September 5. The most distinguished of the four is number 3; but number one is the most local and English. We incline, however, to the martyr, which would give August 10 as Thomas Greslet's birth-day.

[28] We translate literally "diem clausit extremum." February 15, 1282, the day of Robert Greslet's death, was the first Sunday in Lent.

[29] John de Birun (Byron) son of Robert de Byron, lord of Clayton, and Maud his wife, married Joan, daughter of Sir Baldwin de Tyas or Thies (*i. e.* Teutonicus, German), and widow of Sir Robert Holland, secretary to Thomas, earl of Lancaster. This John de Birun had extensive possessions in Rochdale with his wife, by the gift of her father; who was conservator of the peace in Lancashire in 10 Edward I. (1282). John de Birun is named as lord of Clayton, in 28 Edward I. (1300); and as his son Sir John, who witnessed the Mamecestre charter in 1301, was then lord of Clayton, the elder John must have died in or before that year. (See note 79, p. 140.)

[30] The court baron (*Curia Baronis*) incident to all manors, was a court which

Robert de Lathum, Adam de Heton, William le Botiller, Ralph de Catterall, and Geoffrey de Writhinton,[31] hold *Per-bald*, *Dal-ton* and *Writhin-ton*, for one knight's fee. And Thomas de Aston does suit at the court for the same holding [or tenants].

The same Robert [de Lathom] holds *Ter-ton* and another *Tor-ton*, for the fourth part of one knight's fee.

every lord of the manor had within his precinct, must be held by prescription, and on some part of the manor, and was of two natures. First by common law, which is "the baron's or freeholders' court," of which the freeholders being the suitors are also the judges; and this cannot be a court baron without two suitors at least. Second by custom, which is called "the customary court;" and concerns the customary tenants and copyholders, whereof the lord or his steward is judge. The court baron may be of this double nature — [as was that of Mamecestre] — or may be one without the other; but as there can be no court baron at common law without freeholders, so there cannot be a customary court without copyholders or customary tenants. — (4 *Rep.* 26; 6 *Rep.* 11, 12; 2 *Inst.* 119.) The freeholders' court baron, which hath jurisdiction for trying actions of debt, trespasses, &c., under 40*s.*, may be had every three weeks, and is something like a county court, and the proceedings much the same. The other court baron, for taking and passing of estates, surrenders, admittances, &c., is held but once or twice in the year, usually with the court leet, which is within a month after Easter, and within a month after Michaelmas. In this court baron the homage-jury are to inquire that their lords do not lose their services, duties or custom; but that the tenants make their suits of court, pay their rents and heriots, &c., and keep their lands and tenements in repair; they are to present all common and private nuisances which may prejudice the lord's manor; and every public trespass must be punished in this court, by amercement, on presenting the same. By statute [*Extenta Manerii*, 4 Edward I.] it shall be inquired of customary tenants what they hold, by what works, rents, heriots, services, &c. And of the lord's woods and other profits, fishing, &c. (See chap. x. secc. ix. xi. and xiii.)

[31] For Robert de Lathum see note 50 p. 72 *ante*. In 1322 a Robert de Lathum held parts of fees in Childwall, Wrightington and Brocholes. Adam de Heton we cannot trace. William le Botiller was the son of Henry and his wife Sibilla. He also married a Sibilla, and was lord of Warrington in 1297–8. The three townships held for one knight's fee by five persons were in different hundreds; Parbold being in the parish of Eccleston and hundred of Leyland, four miles west from Standish; Wrightington is an adjoining township in the same parish and hundred; whilst Dalton is in the parish of Wigan (five miles N.N.W. of it) and in the hundred of West Derby. In the time of John la Warre ninth baron of Mamecestre (the first of his family) it is stated that he and Sir William Boteler knight and their tenants held nine and one-third and one twenty-fourth knights' fees in thirty-one townships, amongst which are "Dalton in Derby, Parbold and Wrightington in Leylandshire." These they held of the honour of Tutbury, which was held of the honour of Lancaster.

The same Robert holds *Childe-wall* for the moiety of one knight's fee, and does suit from court to court.

William de Worthington holds *Worthing-ton* for the half of one knight's fee, and does suit from court to court.[32]

William, son of William de Anderton, and Almeria his wife, hold *Rome-worth* for the third part of one knight's fee, and do suit from court to court.[33]

Alexander de Pilkynton holds *Pilkyn-ton* for the fourth part of one knight's fee, and does suit.[34]

The manor of Barton with the members, is held for one knight's fee, and is in the hand of the lord.[35]

He-ton is held for [or as] the fourth part of one knight's fee, and is in the hand of the lord. The sum [or total] of the fees [is left blank.][36]

ADVOWSONS OF CHURCHES.

There are in the same [barony] three churches, which belong to the gift of the lord, namely the church of *Mame-cestre* CC. M. [two hundred marks, or 133*l.* 6*s.* 8*d.*] *Childe-welle*,[37] which is worth CC. marks, and *Ays-ton* [*Ashton-under-Lyne*] XX marks [13*l.* 6*s.* 8*d.*]

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[32] This or another William de Worthington held Worthington for half a knight's fee in 1322. (See chap. XVI. *post.*)

[33] In 1322 Richard de Hulton held one-third of a knight's fee in Rumworth and Lestoc.

[34] This Alexander (son of Alexander *temp.* King John) was lord of Pilkington in the 7 Edward I. (1278–9). His eldest son was Roger, who had free warren in 1291. (See note 32 p. 79.)

[35] The manor of Barton was a member of the barony of Mamecestre, and in 1282 was not granted to any sub-feudatory, but was held by Robert de Greslet, seventh baron, in his own hand, till his death: so that it was one of the possessions which fell to the custody of Amadeus de Savoy during the long minority of Thomas, eighth baron.

[36] This Heton is Heaton Norris, and it was in 1282 held by the baron of Mamecestre himself.

[37] It does not appear why the church advowsons of Mamecestre and Childwall should be worth each 133*l.* 6*s.* 8*d.* and that of Ashton-under-Lyne less by 100*l.* than either. The total value of the three advowsons was four hundred and twenty marks or 250*l.*, which multiplied fifteen-fold gives as the equivalent in our present money 3,750*l.*

WRIT TO THE SHERIFF.

WE HAVE INSPECTED moreover another writ of the same progenitor of ours, to his sheriff of Lancashire directed, and into the same chancery returned, in these words: —

EDWARD &c. king of England &c. to the sheriff of Lancashire greeting. Inasmuch as Robert Grelle, who held of us in chief, is deceased ["in diem clausum extremum"] that we may receive them we command thee, that all lands and tenements of which the same Robert was seised in [his] demesne as of fee, in thy bailiwick, on the day on which he died, without delay you take into our hand, and make safe keeping thereof, until we shall therein further command you. And, by the oaths of honest and lawful men of thy county, by whom the truth of the matter may be better known, do thou diligently inquire how much land the same Robert held of us, in chief, in thy bailiwick, on the day on which he died, and how much of others, and by what service, and how much his land was worth by the year, in all issues, and who his next heir may be, and what his age. And this inquisition, thus distinctly and openly made to us, under your seal, and the seals of those by whom it may be made, without delay is to be sent to us, with this writ. Witness me, myself, at Diuises [Devizes] on the 15th day of April, in the 10th year of our reign. [1282.]

WE HAVE INSPECTED, in like manner, a certain Extent [or Survey and Valuation] before the aforesaid sheriff, by virtue of the said writ made, and into the same chancery in like manner returned, in these words: —

THE SHERIFF'S EXTENT.

EXTENT taken at Mamecestre, before Henry de Lee, sheriff of Lancashire, by precept of the lord the king, on the Sunday next after the feast of the Apostles Philip and James. [Rogation Sunday, May, 3, 1282] in the 10th year of Edward [I.] by —

1. John Biron
2. Geoffrey de Bracebrig'
3. Geoffrey de Chederton
4. Adam de Hulton
5. Alex. de Pilkyngton
6. Thomas de Aston
7. Robert de Shoresword
8. Elis de Leure
9. Richard de Radeclif
10. Robert Vnton
11. Adam de Conteclif
12. Adam son of John de Leure.[38]

jurors: who say upon their oaths that in the aforesaid manor at *Mamecestre* is a certain capital messuage,[39] with certain houses and certain gardens, the fruit of which and the herbage are worth yearly ij^{s}.

And there is there a certain little park which is called *Ald-p'c*, the herbage of which, with the pannage, is worth yearly xxxiij^{s} iiij^{d}.

And there is there a certain other park called *Blake-lee*, the herbage of which, the wind-fall wood and pannage, and an aëry of sparrow-hawks [sparvarum] are worth yearly vj^{li} xiij^{s} iiij^{d}.

And there is there a certain plot of demesne lands and herbage, which are called *Brade-ford* and *Bron-hull*, and are worth yearly xl^{s}.

And there is there a certain plot which is called *Gren-law-mo'* of the aforesaid demesnes, and worth yearly lxxvj^{s} viij^{d}.

And a certain plot near the cross of *Opin-shale*, which is worth yearly vj^{s} viij^{d}.

And a certain plot which is called *le Hulles*, which is worth by the year xiij^{s} iiij^{d}.

And a certain plot which is called *Keper-feld*, and worth yearly iiij^{s}.

And there are there two plots which are called *Mil-ward-croft* and *Sam-land* [t'ra *Sam'*], which are worth yearly ix^{s}.

And there is there certain land which is called *Kyp'-clif*, and worth iij^{s} iij^{d}.

And there are there two parts of one oxgang of land in *Den-ton*, and they are worth yearly iiij^{s} ij^{d}. And there is there a certain plot in *fforn-word* [*Farn-worth*] and it pays yearly v^{s}.

And there is there one water-mill, and worth yearly xvij^{li} vj^{s} viij^{d}. And a certain fulling-mill, which is worth yearly xxvj^{s} viij^{d}.

And there is there a certain oven, which pays yearly x^{s}.

And there is there rent of assise of the burgages in *Mamecestre*, which pay yearly, at the Nativity of the Lord, at the Annunciation of

[38] (*Page* 155.) This is very nearly the same jury as that of the escheator sitting ten days previously. The only difference appears to be that the fourth juror of the escheator was David — of the sheriff, Adam — de Hulton. This may, however, be an error of some transcriber. Compare the variations in the personal (which are also local) names of the two juries. Sorisworthe of the one is Shoresword of the other.

[39] This capital messuage is doubtless the manor-house of Mamecestre, the baron's hall or yard, on the baron's hull or hill, now Chetham's Hospital, School and Library. For the valuing of the castle or manor-house, or other buildings in a manor, see cap. x. sec. 1.

the Blessed Mary, at the Nativity of St. John Baptist, and at the Feast of St. Michael, vij^{li} iij^{s} ij^{d}.

The toll of the market and fair of the same [manor], at the aforesaid terms, vj^{li} xiij^{s} iiij^{d}.

And of the rent of plough lands [arariorum] near the vill, xvij^{s} vj^{d}.

And of the rent of two oxgangs of land in bondage in *Open-sal*, at the aforesaid terms viij^{s}.

And the rent of xvj oxgangs of land in bondage, in *Gor-ton*, at the aforesaid terms, lxiiij^{s}.

And of the farm of a certain plot of land in the same place, which is called "*Hall land*" [t'ra aule] which pays yearly at the aforesaid terms, xx^{s}.

And of the farm of one mill in the same place xxvj^{s} viij^{d}.

And of x oxgangs of land in bondage in *Ader-wyk*, with ix acres of land, at the same terms xliij^{s}.

And of a certain plot of land which is called *Twant'ford*, and at the same terms vj^{s} viij^{d}.

And of the farm of ten oxgangs of land in *Corme-sale* [*Crumpsall*] xl^{s} at those terms.

And of the rent of certain assarted lands there, at the aforesaid terms x^{s} ij^{d}.

And of the rents of the free tenants, foreign tenants of the manor of *Mamecestre*, at those terms vij^{li} ix^{s} viij^{d}.

And one gos-hawk [oustoriu'] of Thomas de Aston at the Feast of St. Michael, and one barbed arrow of Adam de Leu'.

And of the rent of Sakefe at the said terms xlix^{s}.

And of the farm of ward, at the Feast of the Nativity of St. John Baptist, xlix^{s} ij^{d} farthing.

And of the farm of the Five Foot Bailiffs, for having their bailiwicks, at the aforesaid terms yearly C^{s}.

And of the perquisites of the court of the borough of *Mamecestre* yearly viij^{s}.

And of the pleas and perquisites of the court baron, C^{s}.

And there is there a certain fee of *Within-ton* which owes yearly a certain day's ploughing of xv acres of land, which is worth yearly vij^{s} vj^{d}.

And a certain custom of the same fee to reap in autumn, belonging to xxx oxgangs of land, which is worth yearly ij^{s} vj^{d}.

The sum total of the extent of the manor of *Mamecestre* $\overline{\text{iiij}}$ iiij^{li} xij^{s} v^{d} farthing [84*l.* 12*s.* 5½*d.*]

HETON NORRAYS.

There are there in the demesne xl acres of arable land, with a capital messuage and garden, which are worth yearly xx^{s}.

And a certain plot in the said demesne which is called *Mil-riding* and le *Sperte*, and are worth yearly xx^{s} at those terms.

And a certain mill, of which two parts pay yearly at the aforesaid terms xiij^{s} iiij^{d}.

And of the farm of the free tenants at the aforesaid terms yearly iij^{s} x^{d} halfpenny.

And of the farm of eight oxgangs of land, in bondage, at the aforesaid terms, xx^{s}.

And of the rent of xxiiij (?) hens [*gallin:*] of the said bondagers at Christmas [Natale] ij^{s}.

And of the rent of eight score eggs of the same bondagers at Easter iiij^{d}.

And pannage of the wood, worth yearly vi^{s} viij^{d}.

And there are there two meadows, worth yearly at the said terms ij^{s}.

And there are there two pairs of gloves of Adam de Leu' yearly, at the Feast of St. Michael [September 29.]

Sum total of this member of the manor of *Mamecestre*, iiij^{li} vj^{s} iiij^{d} halfpenny.

BARTON.

There is there a certain garden, with a plot of meadow outside the garden, with the fruit and herbage, worth yearly viij^{s}.

And xl acres of land of the demesne, which is worth yearly xxvj^{s} viij^{d}.

And a certain fishery [or fishing] worth yearly xviij^{d}.

And two parts [two-thirds] of the mills, which are worth yearly at the aforesaid terms, xxx^{s}. And a third part of these [mills] is in the hands of a certain lady, in the name of dower.

And of certain land planted [or laid out, "t'ra posita"] at the said terms xxxiiij^{s} viij^{d}.

The herbage of the wood, with the pannage, worth yearly ix^{s}.

Of the assise rent of the free tenants xvij^{s} xj^{d} halfpenny.

And the perquisites of the Hallemote yearly v^{s}.

The sum of this manor [Barton] vj^{li} xvj^{s} ix^{d} halfpenny.

KEU'DLE.

There is there a certain capital messuage, with a garden and two plots outside the garden, which are worth yearly vj^{s} viij^{d}.

There are there six score [120] acres of arable land in the demesne, which are worth yearly at the aforesaid terms iiij^{li}.

And xiij acres of meadow, which are worth yearly xxxiij^{s} viij^{d}; the acre being worth ij^{s} vj^{d}.

And a certain pasture [past'a] which is called *le Ward*[40] with *le Wod-heye*, which are worth yearly xiij^{s} iiij^{d}.

The pannage and the wind-fall wood are worth yearly xiij^{s} iiij^{d}.

There is there a certain William who is free tenant of xij acres of land and ij acres of meadow and wood, by one clove yearly.

And of the rent of the bondagers ["bondor'"] yearly at the aforesaid terms, lviij^{s} x^{d}.

And of the rent of the cottagers yearly iij^{s} iiij^{d}.

And two mills, which pay yearly xx^{s}.

The pleas and perquisites of the Hallemote, iiij^{s}.

The sum of this manor [Keuerd-ley], xj^{li} xij^{s}.

And it is known that this manor is held of the lord Edmund, and ij^{li} is paid to him; but it makes one suit to the county of Lancaster, and one suit to the wapentake of Derby, and it is of the constablewick of Chester.

Geoffrey de Chaderton holds of inheritance of Robert Grelle[41] one oxgang of land in *Fox-den-ton* by one penny, at the Nativity of the Lord, and it is of the fee of the earl of Lincoln.

FOREST.[42]

There are there viij cow-pastures [or vaccaries, "vaccaria"] and one plot which is not a full vaccary, which are worth yearly xix^{li}.

[40] The pasture here called le Ward with le Woodhey, is named in the other inquisition Warche. This is not "the farm of Ward" previously named in this extent.

[41] In November 1300 (Michaelmas, 28 and 29 Edward I.) in some plea, proof was given of the age of the heir of Robert Grele (seventh baron) as to lands in cos. Lincoln, Suffolk, Northampton and Lancaster. — (*Abbrev. Plac. ut sup. rot.* 44.)

[42] In Manwood's *Forest Laws* we are presented with the following curious rhymed

The pannage of the same [forest], with the aëries of sparrow-hawks ["spuar'"] are worth yearly xl^{s}.

There are there three foresters, keeping the forest, who have "escapia," and give yearly lx^{s}.

The sum of the forest xxiiij^{li}.

KNIGHTS' FEES.

There are there v knights' fees, and half a fee, and the third part of one fee, namely, —

John de Byron holds *Withing-ton* for term of life, for one knight's fee, and does suit at the court baron of Mamecestre from three weeks to three weeks.

Robert de Lathom holds [C]hocton: William le Botiller, Ralph de Catterall, Geoffrey de Writhington, hold *Per-bald*, *Dal-ton*, and *Writhin-ton* for one knight's fee. And Thomas de Aston does suit at the court for the same holding.

And the same Robert holds *Tur-ton* and another *Tur-ton* for the fourth part of one fee, and does suit.

The same Robert holds *Childe-wall* for the half of one fee, and does suit from court to court.

William de Worthington holds the same place [Worthington] for half of one knight's fee, and does suit from court to court.

William son of William de Anderton and Amery [Amaria] his wife hold *Reme-worth*, for the third part of one fee, and do suit from court to court.

"Oath of the inhabitants of the forest, being of the age of twelve years, as the same hath been accustomed and used of ancient time:" —

You shall true liegeman be
Unto the King's Majestie:
You shall no hurt do
The beasts of the forest unto;
Nor anything unto,
That doth belong thereto:
The offences of others you shall not conceal,
But to the utmost you shall them reveal
Unto the Officers of the Forest,
Or to them that may see the same redrest.
All these things you shall see done,
So help you God at 's holy doom.

Alexander de Pilkynton holds that place [Pilkyn-ton] for the fourth part of one fee, and does suit.

The manor of *Bar-ton* with the members is held for one fee, and is in the hand of the lord.

He-ton is held for the fourth part of one fee, and is in the hand of the lord.

ADVOWSONS OF CHURCHES.

There are three churches, which belong to the gift of the lord; namely, the church of *Mame-cestre*, which is worth yearly CC. marks [133*l.* 6*s.* 8*d.*]

The church of *Child-walle*, which is worth yearly CC. marks.

And the church of *As-ton*, which is worth yearly xx marks. [13*l.* 6*s.* 8*d.*]

The sum total of the extent of the aforesaid manor [of *Mamecestre*], with the members, as is shown herein below, and with the forests, is Cxxxj^{li} vij^{s} viij^{d} farthing. From which there ought to be deducted for the farm due to the lord Edmund[43] of ancient custom, vi^{li} xvj^{s}. And there will remain clear Cxxiiij^{li} xj^{s} viij^{d} farthing.

And it is known that the manors of *Mamecestre*, *Heton* and *Barton*, are held of the lord Edmund, of the honour of *Lancaster*, by the service of doing suit to the county of *Lancaster* and to the wapentake of *Salford*.

And the earl of Ferrars[44] had the homage and service of the ancestors of the said Robert, of [or for] the aforesaid manors.

Nothing was held by the same Robert on the day on which he died of the lord the king in chief, in the aforesaid manors.

Thomas, son of the aforesaid Robert, is his next heir, and will be of

[43] The lord Edmund was Edmund Plantagenet (called "Edmund Crouchback") second son of Henry III., who was created first earl of Lancaser, 30th June 1267. He died in 1295.

[44] It is doubtful whether there was an earl of Ferrers in 1282. Robert de Ferrers earl of Derby, Nottingham, &c., was dispossessed of his earldoms in 1265, and died in 1278. His lands were conferred on Edward Plantagenet, afterwards earl of Leicester and Lancaster. The first baron (by writ) Ferrers of Chartley was John, son and heir of Robert eight and last (Ferrers) earl of Derby. John was summoned to parliament from 6th February 27 Edward I. (1299) to 19th December 5 Edward II. (1311) and died in 1324. He might bear the title, however, in 1282.

the age of three years at the Feast of St. Lawrence [? August 10] next coming.

And the same Robert closed his last day ["diem clausit extremum"] on the xvth February.

EXEMPLIFICATION.

Now the tenor of the aforesaid writs and inquisitions, at the requirement of Ralph Prestwych, Esq.,[45] we have caused to be exemplified by these presents. In testimony of which matter, these our letters we have caused to be made patent. Witness me, myself, at Westminster, the 29th day of May, in the fifth year of our reign [1513 ?]

(Signed) Smyth.

Examined by

John Frank and Thomas Smyth, } Clerks.

(Endorsement.)

Inspeximus of An Inquisition shewing the extent of y^e^ man^r^ of Manchester, taken *temp.* Edward j.

(Another.)

1st Inq. taken before Thomas de Normanville, escheator, ultr' trent.

2nd by the sheriff of Lancashire, Henry de Lee 10th y^r^ Edward I. [1282], both taken 10 Edward j. at the death of Robert Grelle, who found Tho: his heir.

(Another, modern.)

29 May, 5 Henry the 8th (?) [1513.]

To present the results of these two inquiries at one view, preserving the terms of both records, they have been cast into the

[45] Ralph Prestwych Esq. was the son and joint heir of Ellis Prestwyche, — (who bequeathed the manor of Holme or Hulme to four trustees to the use of his will (10th April 1473) — and of Isabella his wife, daughter of Thurstan Tyldesley. This Ralph married Elizabeth ——, and on the 4th May 1538 granted messuages and lands to Thomas Beck, Thomas Bolton and Robert Prestwyche, chaplain, in Holme, Wythenshaw, Manchester, Salford, Crompton and Crumpsall. It does not appear why he was a principal agent in obtaining the exemplification of these old inquisitions; but perhaps they had a bearing on some question of disputed title in his day.

form of a modern rental, inventory, or account, the Roman numerals changed into the simpler Arabic figures, and as both documents agree precisely in every money item throughout the returns, those items are placed in columns between the two descriptions, as common to both:—

Escheator, Saturday, April 25, 1282.	£.	s.	d.	*Sheriff, Sunday, May 3,* 1282.
Herbage and fruit-gardens in manor of Mamecestre	0	2	0	Capital messuage, houses and gardens, fruit and herbage.
Aldepark and Litheak herbage and pannage	1	13	4	Aldparc, herbage and pannage.
Blakele park, herbage, wind-fallen wood, pannage and aëry of hawks	6	13	4	Blakelee park, herbage, wind-fallen wood, pannage and aëry of hawks.
Demesne and herbage, Bradford and Brunhull	2	0	0	Demesne and herbage, Bradeford and Bronhull.
Grenlawemore, demesne	3	16	8	Grenlawmore, demesne.
A plot near the Cross of Opinshawe	0	6	8	Plot near the Cross of Opinshale.
Ditto Le Hules	0	13	4	Le Hulles.
Ditto Kepirfeld, demesne	0	4	0	Keperfeld.
Ditto Milnwardecroft and Samland..	0	9	0	Two plots, Milnewarde Croft and Samland.
Ditto Kipirclif	0	3	3	Kyperclif.
Two parts of an oxgang in Denton (yearly)	0	4	2	Two parts of an oxgang in Denton.
Plot in Farnworth	0	5	0	Plot in Fornworde.
Water-mill there	17	6	8	Water-mill there.
Fulling-mill	1	6	8	Fulling-mill.
Oven	0	10	0	Oven.
Assise rent of Mamecestre burgages (yearly)	7	3	2	Assise rent of Mamecestre burgages (yearly).
Tolls of Mamecestre market and fairs	6	13	4	Toll of Mamecestre market and fairs.
Cottagers' rents (? yearly)	0	17	6	Rent of cottagers near the vill.
Rent of two oxgangs in Opinschawe	0	8	0	Rent of two oxgangs of bondage in Opensal.
Rent of sixteen oxgangs in bondage in Gorton	3	4	0	Rent of sixteen oxgangs of bondage in Gorton.
Hall land, in Gorton (yearly)	1	0	0	Hall land, in Gorton.
Mill there, farm	1	6	8	Mill there, farm.
Ten oxgangs and nine acres in Atheriswyke, bondage	2	3	9	Ten oxgangs and nine acres in Aderwyk.
Twantirford there (yearly)	0	6	8	Twant'ford (yearly).
Ten oxgangs in Curmisale, bondage...	2	0	0	Ten oxgangs in Cormesale.

Escheator, Saturday, April 25, 1282.	£	*s.*	*d.*	*Sheriff, Sunday, May* 3, 1282.
Assarted lands there .....(R)	0	10	2	Assarted lands there (R).
Rent of free and foreign tenants, Mamecestre.....	7	9	8	Rent of free and foreign tenants.
One soar goshawk, Thomas de Eston	0	0	0	One oustoriu', Thomas de Aston.
One barbed arrow, Adam de Levyr...	0	0	0	One barbed arrow, Adam de Lever.
Rent of sak-fee.....	2	9	0	Rent of sak-fee.
Farm of warde.....	2	9	2½	Farm of warde.
Farm of the five Foot Bailiffs.....	5	0	0	Farm of the five Foot Bailiffs.
Perquisites of court of borough of Mamecestre	0	8	0	Perquisites of borough court of Mamecestre.
Pleas and perquisites of the court baron	5	0	0	Pleas and perquisites of the court baron.
Fee in Wythinton, ploughing of fifteen acres	0	7	6	Fee of Withinton, ploughing of fifteen acres.
Ditto, reaping of thirty oxgangs.....	0	2	6	Ditto, reaping of thirty oxgangs.
Sum of manor of Mamecestre...£	34	12	6½	Sum of manor of Mamecestre.
Heton Norrays. — Forty acres of demesne, capital messuage and garden.....	1	0	0	*Heton Norrays.* — Forty acres arable, with capital messuage and garden.
Plot called le Milne-ridying and Le Sporthe	1	0	0	Mil-riding and le Spert.
A mill, two parts yield.....	0	13	4	A mill, two parts yield.
Farm of free tenants.....	0	3	10½	Farm of free tenants.
Ditto of eight oxgangs in bondage...	1	0	0	Ditto of eight oxgangs in bondage.
Rent of twenty-four hens, (?) at St. John Baptist.....	0	2	0	Rent of twenty-four hens.
Rent of eight score [160] eggs at Easter.....	0	0	4	Rent of eight score eggs.
Pannage of the wood	0	6	8	Pannage of the wood.
Two pair of gloves, Adam de Lever (yearly)	0	0	0	Two pair of gloves, Adam de Lever.
Total of this manor, member of Mamecestre .....£	4	6	4½	Total this member of Mamecestre.
Barton. — Garden and meadow, fruit and herbage	0	8	0	*Barton.*—Garden and meadow, fruit and herbage.
Forty acres demesne.....	1	6	8	Forty acres demesne.
Fishery	0	1	6	Fishery.

Escheator, Saturday, April 25, 1282.	£	s.	d.	*Sheriff, Sunday, May 3,* 1282.
Two parts of the mills	1	10	0	Two parts of the mills.
Third part in hand of a lady, in name of dower	0	0	0	Third part in hand of a lady, as dower.
Land planted or laid out	1	18	8	Land planted or laid out.
Herbage and pannage of the wood	0	9	0	Herbage and pannage of the wood.
Rent of assise of free tenants	0	17	11½	Assise rent of free tenants.
Perquisites of Hallemote	0	5	0	Perquisites of Hallemote.
Total of manor	£6	16	9½	Total this manor.
Keuerdeley. — Capital messuage, garden, and two plots	0	6	8	*Keurdeley.* — Capital messuage, garden, and two plots.
One hundred and twenty acres arable 8*d.* per acre	4	0	0	One hundred and twenty acres arable.
Thirteen acres meadow 2*s.* 6*d.* per acre	1	13	6	Thirteen acres meadow.
Pasture called "Le Warche" and "le Wodeheye"	0	13	4	Pasture "le Warde" and the "Wodheye."
Pannage and windfall wood	0	13	4	Pannage and windfall wood.
A free tenant, twelve acres land and two acres meadow and wood, by one *clove*	0	0	0	One William, holds twelve acres land, two acres meadow and wood, by one *clove.*
Rent of bondagers	2	18	10	Rent of bondagers.
Rent of cottagers or ploughed lands	0	3	4	Rent of cottagers.
Two mills (windmill and watermill)	1	0	0	Two mills.
Pleas and perquisites of Hallemote	0	4	0	Pleas and perquisites of the Hallemote.
Total of manor	£11	12	0	Sum of this manor.
Forest of Hopeworth. — Eight vaccaries, and another	19	0	0	Forest of eight vac. and another.
Pannage and aëry of hawks	2	0	0	Pannage and aëry of hawks.
Three foresters ..... give	3	0	0	Three foresters give.
Sum of the forest	£24	0	0	Sum of the forest.
Sum total of manor of Mamecestre and its members, with the forests	131	7	8½	Sum total of manor of Mamecestre and its members, with the forests.
Deduct farm due to the lord Edmund	6	16	0	Deduct farm due to the lord Edmund.
Remains clear	£124	11	8½	Remains clear.

Escheator, Saturday, April 25, 1282.	£	s.	d.	*Sheriff, Sunday, May 3,* 1282.
Advowsons. — Mamecestre two hundred marks	133	6	8	*Advowsons.* — Mamecestre two hundred marks.
Childewelle two hundred marks	133	6	8	Childewall two hundred marks.
Ayston (Ashton-under-Lyne) twenty marks.	13	6	8	Aston (Ashton-under-Lyne) twenty marks.
	£270	10	0	

Adding together the nett issues of the manor and forest, with those of its mesne manors, and also the advowsons of the three churches, we have the yearly sum of 395*l.* 1*s.* 8½*d.*, which, multiplied by fifteen, gives as the equivalent amount in our present money (5,926*l.* 5*s.* 7½*d.*) nearly 6,000*l.* a year, showing a very extensive estate, and a large revenue for the lord of the manor of Mamecestre, in the year 1282.

We have not yet done with royal writs and sheriff's inquiries relative to the death, the possessions, and the heir of Robert Greslet. Besides the writ to the escheator of 12th March, answered by the inquisition of the 25th April, and the writ to the sheriff of the 15th April, answered by the extent of the 3rd May, there was a third writ issued, this time to the sheriff, on the 24th May, answered by an extent on the 12th September, — all these dates being in the same year, 1282. Among the public records in the custody of the master of the rolls (pursuant to the statute of the 1 and 2 Vict. cap. 94) formerly preserved in the Tower of London, but now in the Office of Public Records, are copies of a writ and an inquisition (10 Edward I. [1282] No. 20), of which the following transcripts have been officially made, for the purposes of this work: —

[BREVE. 24 *Maij*, 1282.]

EDWARD Dei grā Rex Angł Dñs Hiƀn et Dux Aquiꝰ Viꝯ Lanꝯ Salꝯ Quia ꝯciorari volumꝰ supꝰ [? sacrū] vero valore feodoꝝ miliꝯ et advocacionū ecclieꝝ ꝑtinenciū ad Maꝺlium de Mamecestꝯ

quod fuit Robti Grelle defuncti qui de nob tenuit in capite tibi ꝑcipim⁹ qđ ꝑ sacrm̄ ꝑbor et leg̃ hominū de Com̄ tuo ꝑ quos rei veritas melius sciri potuit ꝑdcā feoda et advocacões diligenter extendi fac̄ q̄ntum videlt valeant ꝑ annū ut in dn̄icis ꝰviciis et in om̄ibz aliis exitibz. Et extētam illam inde distincte et apte fcām nob sub sigillo tuo et sigill eor ꝑ quos fcā fuit sine dilōe mittas et hoc bre. T. me ipo apd Hertlebur xxiiij die Maij anno r. ñ decio.

[EXTENTA. 12 *Sept.* 1282.]

Extenta fcā apd Mamecestr coram Hñr de Lee Vic Lanc die Sabbi px añ fm Exaltacóis Scē Crucis anno r R. Edwⁱ xº de vero valore feodor militū et advocacom eccior que tenebantʳ de Robo Grelle in Manio Mamecestr ꝑ Hñr de Tʳfford David de Hultoñ Alex de Pilkington Ric̄ de Radeclif Elis de Leure Ric̄ filt Dd Ric̄ f Joh Ric̄ de Workedele Thom̄ de Aston Robtm de Shoresword Robm Untouñ et John de Rilandes qui dnt ꝑ scʳm suū qđ villa de Wythington cū feodo suo tenetʳ ꝑ j feodo militis et valet ꝑ annū de claro ut in dn̄icis ꝰviciis et om̄ibz exitibz xxxli. Et qđ villa de Pilkington cū ptinciis tenetʳ ꝑ q̄rta pte uni⁹ feodi et valet ꝑ annū de claro xli. Et qđ Worthington Copphul cū ptinc̄ tenetʳ ꝑ đi feođ uni⁹ milit et valet ꝑ annū de claro C. ꝰ. Et qđ Childwall tenetʳ ꝑ uno feodo milit et valet ꝑ annū de claro x Mʳc̄. Et qđ dns Johs de Kirkeby tenet duo feoda milit et valent ꝑ annū dco dño Johi j đ qr feofavit alios inde ꝑ j den̄ ꝑ annū tenend. Et dnt qđ Eccia Mamec̄ cuj⁹ advoco ptinet ad Manium Mamec̄ valet ꝑ annū CC. mʳc̄. Et eccia de Childwalle cuj⁹ advocaco similr ptinet ad ꝑdcm Manū valet ꝑ annū CC. mʳc̄. Et eccia de Aston cuj⁹ advoco similr ptinet ad Maniū Mam̄ valet ꝑ annū xxli.

(In dorso:) Dño Reg̃ Angł vł ejus Cancllar ꝑ Vic̄ Lanc̄.

THE WRIT OF 24TH MAY 1282.

EDWARD, by the grace of God king of England, lord of Ireland, and duke of Aquitaine, to the sheriff of Lancashire greeting.[46] Because

we will have it certified upon [oath] the true value of the knights' fees and the advowsons of churches, appertaining to the manor of Mamecestre which belonged to Robert Grelle, deceased, who held of us in chief, we command thee that, by the oaths of good and lawful men of thy county, by whom the truth of the matter may be better known, the aforesaid fees and advowsons thou shalt cause to be diligently extended, so far namely as [to show what] they are worth yearly, as in demesnes, services, and in all other issues. And this extent, thus distinctly and openly made, to us, under thy seal and the seals of those by whom it shall be made, without delay thou shalt send, and also this writ. Witness me myself at Hartlebury,[47] the 24th day of May, in the tenth year of our reign [1282].

EXTENT OF 13TH SEPTEMBER 1282.

EXTENT made at Mamecestre before Henry de Lee, sheriff of Lancashire, on the Saturday next before the feast of the Exaltation of the Holy Cross[48] in the tenth year of the reign of King Edward [I.], of the true value of the knights' fees and the advowsons of churches which were held of Robert Grelle in the manor of Mamecestre: By[49]

1. Henry de Trafford
2. David de Hulton
3. Alex. de Pilkington
4. Richard de Radcliffe
5. Ellis de Levre
6. Richard son of David
7. Richard son of John
8. Richard de Workedele
9. Thomas de Aston
10. Robert de Shoresworde
11. Robert Untoune
12. John de Rilandes

[46] (*Page* 167.) The sheriff was still Henry de Lee or Lea, for a notice of whom see note 78, p. 138 *ante*.

[47] Hartlebury is about two miles from Stourport, co. Worcester.

[48] The Exaltation of the Holy Cross is a fixed feast on the 14th of September, which in the year 1282 (old style) fell on a Sunday, and the Saturday before it would consequently be the 13th September.

[49] Of the jurors, David de Hulton had served on the escheator's inquisition, but not on the sheriff's of May 3; and the following jurors of September had also served in the two former inquisitions of April and May:—Alexander de Pilkington, Richard de Radcliffe, Ellis de Lever, Thomas de Ashton [or Eston], Robert de Shoresworth and Robert Unton. Of the new jurors, Henry de Trafford was the Sir Henry who died about 1288, or his eldest son, who succeeded him in 1289 or 1290, who died in 1334. Richard son of David, and Richard son of John, can only be

who say by their oaths that —

KNIGHTS' FEES.

WYTHINGTON. — The vill of Wythington with its fee is held for one knight's fee, and is of the clear yearly value, as in demesnes, services and all issues, of 30*l.* (Comp. p. 160 *ante.*) And that —

PILKINGTON. — The vill of Pilkington with its appurtenances is held for the fourth part of one fee, and is of the clear yearly value of 10*l.* (Comp. p. 161 *ante.*) And that —

WORTHINGTON COPPHUL. — Worthington Copphul with appurtenances is held for half one knight's fee, and is of the clear yearly value of 100 shillings. (Comp. p. 160 *ante*) And that —

CHILDWALL. — Childwall is held for one knight's fee, and is of the clear yearly value of ten marks [6*l.* 13*s.* 4*d.*]. (Comp. p. 160 *ante.*) And that —

Sir John de Kyrkeby holds two knights' fees, and they are worth yearly to the said Sir John one penny farthing.[50] He hath infeoffed

the subjects of conjecture. Richard de Workedele or Worsley was the son of Elyas de Workedley, a vill or hamlet of Barton, which was conveyed to Robert Greslet seventh baron, in 1276, by John son of Gilbert de Barton. John de Rilands we cannot trace.

[50] Who was Sir John de Kyrkeby? In this very year (1282) persons holding lands of the value of 30*l.* a year, were to be provided with arms against the Welsh, and meantime a thousand men were ordered to be impressed in Lancashire. The king was also obliged to demand aid by way of loan from the religious houses, and from all the merchants in the kingdom; and John de Kyrkeby was empowered to declare certain difficult and important matters with which he was entrusted—explanatory, no doubt, of the king's necessities—to the people of Lancashire. Now as churchmen in that day proved themselves the most astute statesmen and men of business, it is not unlikely that the king, in a matter where the religious houses were to be worked upon to give liberally, would employ a churchman. This John de Kirkeby, then, was probably the same who was in the church a canon of Wells and of York, while in the service of the state he was the lord treasurer. And four years afterwards (in 1286) his services to his royal patron were rewarded by his elevation to the see of Ely, of which he became the eleventh bishop. How he came to have two knights' fees in Lancashire we cannot explain; but he may have been a Lancashire man, there being a Kirkby on the coast. The "Sir" prefixed to his name was used not only to distinguish the knight, but also the priest; and there seems fair reason to presume that he was the same ecclesiastic sent by the king in 1282 into Lancashire. In the chronicles of a book called the Greater *Liber Horn*, it is stated that in 1280 (14 Edward I.),

others afterwards, to be held yearly for one penny. And they [the jurors] say that —

ADVOWSONS.

The *Church of Mamecestre*, of which the advowson belongs to the manor of Mamecestre, is worth yearly 200 marks [133*l.* 6*s.* 8*d.*] And that —

The *Church of Childwalle*, of which the advowson in like manner belongs to the aforesaid manor, is worth yearly 200 marks. And that —

The *Church of Aston* [*i.e.* Ashton-under-Lyne], of which the advowson in like manner appertains to the manor of Mamecestre, is worth by the year 20*l.* (Comp. p. 161 *ante*.)

Endorsement.

To the lord the king of England, or to his chancellor. By the sheriff of Lancashire.

What was the cause of these three different inquiries within six months, as to the possessions of the deceased Robert Greslet? First let us see what the writs required. That to the *escheator* directs him to take and hold for the king all the lands and tenements of which Greslet was seised as of fee, at his death; and to impannel a jury to inquire what land, &c., Greslet held of the king in chief, and what of other chief lords, and by what service; also the yearly value of all these lands and tenements, including demesnes, rents, villenages, knights' fees, advowsons of churches,

the mayor, sheriffs, aldermen, and other dignitaries of London were summoned to appear on the 29th June before John de Kirkeby, treasurer, and the other justiciers of the king, in the Tower; when the mayor resigned his mayoralty before entering the Tower; whereupon the said John de Kirkeby took the mayoralty and liberties of London into the king's hand, because the city was found to be without a mayor. The king then gave the citizens a warden in place of mayor. — (*Liber Albus*). There was, however, another John de Kirkeby, who was remembrancer of the exchequer in 19 Edward I. (1290–91), and who, with certain others, was appointed to receive petitions to the parliament in 1305 (33 Edward I.), at the dissolution of which, he alone was authorised to give briefs to the members to receive their wages in the several counties. He died in the 1 Edward II. 1307. — (Foss's *Judges of England*, vol. iii. p. 111.)

and all other issues of land. Also who was Greslet's rightful heir, and what his age. The first writ to the *sheriff* (15th April) is for the most part in very similar terms to that directed to the escheator; save that it does not enumerate the various kinds of issues from the lands; nor does it include any inquiry as to the heir. The returns to both these writs were, as we have seen, — and as was most likely to be the case when both inquiries were made before the same jury, — almost precisely identical, and certainly agreed exactly in all the items and in the sum total of the money values. The third writ of the year, the second writ to the *sheriff* (May 24) was issued only three weeks after the sheriff's return to the April writ; and its inquiry is more limited. It directs the sheriff to summon a jury to inquire as to the true value of the knight's fees and the advowsons of the churches, appertaining to the manor and belonging to the deceased Greslet; and to make an extent or valuation as to what was their yearly value, as in demesnes, services, and in all other issues. Of the twelve jurors impannelled under this writ seven had served on one or both the former inquiries. The value of the knight's fee is not given in either of the former inquisitions, and it may be stated thus: —

Knt's. Fee.	*Where.*	*Yearly Value.* £	*s.*	*d.*
1	Withington, in demesne, &c.....	30	0	0
0½	Pilkington	10	0	0
0¼	Worthington Cophull	5	0	0
1	Childwall.....	6	13	4
2	Held by Sir John de Kyrkeby	0	0	1¼
4¼		£51	13	5¼

The jurors return the advowsons of the churches of Mamecestre and Childwall at 133*l.* 6*s.* 8*d.* each, as in both the former inquisitions; but whereas those gave the value of the advowson of Ashton-under-Lyne as twenty marks, or 13*l.* 6*s.* 8*d.*, this states it distinctly as of the yearly value of 20*l.* The later inquisition

therefore reveals that in some way the sub-infeudation of Sir John Kirkeby was held by him for two knights' fees, and apparently sub-granted by him, at an amount purely nominal, though worth yearly about 60*l.* Also that the value of the Ashton advowson had been under-stated at 13*l.* 6*s.* 8*d.*, being really worth 20*l.* a year. While, therefore, it is by no means clear why a writ of inquiry to the sheriff should have been issued before the return had been made to that directed to the escheator, — unless perhaps it was supposed that there had been undue delay, or that the sheriff was the proper officer to conduct the inquiry, — we can see good reason for issuing the later writ to the sheriff, from its disclosing the values of the knights' fees, and showing that in one case two fees, worth perhaps 60*l.*, brought nothing to the chief lord of the fee; and also from the true value being ascertained of an advowson which had been considerably under-estimated in both the former inquiries.[51]

[51] As a document illustrating the rental of the same period, we take the following extract from a rent-roll of Edmund, earl of Lancaster, in Salford town and hundred, in the 10 Edward I. (1281–2) as set forth in the survey of Lonsdale in the 25 Edward I. (1297) preserved amongst the *Harl. MSS.* (*Cod.* 2085, fol. 528, b.):— "Extent of the lands of the earl in the wappentach of Launsdale, in co. Lancashire, 25 Edward I. (1297) at the death of Edmund earl of Lancaster [in May 1290], in the Tower, amongst other things, &c.

[*Salford town, in the aforesaid account, by inquisition, 10 Edward I. 1281–2.*]

	£	s.	d.
Rent of assise of the town of Salford, with the rent of one toft near the bridge	6	14	9
Farm of the water-mill there	3	0	0
Toll and stallage of the market and fair there	2	6	7½
Small plots [or places] there	0	13	1½
Pleas and perquisites of the court	0	2	0
Total	£12	16	6½

Salford Wappentach.—

Assise rent of Burghton	2	8	0
Assise rent of Ordesale	1	12	0
Assise rent of Cadeuelheued	0	4	0

Assuming that at this period the town of Mamecestre was not a free borough, or a borough at all, but simply a market town, with certain privileges and liberties enjoyed from time immemorial, it would probably come within the regulations of the watch and ward instituted about this time. The statute of Winchester of 8th October 1285 (13 Edward I. statute 2, cap. 4) enacts that for the more surety of the country, the king hath commanded that in great towns, being walled, the gates shall be closed from the sun-setting until the sun-rising, and that no man do lodge in the suburbs, nor in any place out of the town, from nine of the clock [p.m.] until day, without his host will answer for him.

	£	s.	d.
Assise rent of Sc[h]oresworth	0	2	0
Assise rent of Tonge	0	4	0
Farm of the land of Augustine de Barton	1	6	0
Farm of the land of William de Radcliffe	0	17	8
Farm of the land of Roger de Midleton, in Chetham	0	13	4
Farm of the land of Alice de Prestwich, in Prestwich, Holonet [? Heton et], Sholesworth	1	6	8
Farm of the land of Roger Pilkington, in Rovington	0	10	0
Farm of the land of Geoffrey de Hulme, in Hulme	0	5	0
Farm of the land of Alice de Prestwich, in Penulbury	0	10	0
Farm of the land of William Fitz Roger, in Radish	0	6	0
Farm of the land of Richard Pilkington, in Chorleton	1	0	0
Farm of the land of Henry de Trafford	0	5	0
Farm of the land of Richard de Byrom	1	4	0
Farm of the land of Hugh Menil, in Werkslegh and Hulton	1	0	0
Farm of the land of William de Bradshagh, in Blackrode (yearly)	1	0	0
Farm of the town of Clifton	0	8	0
Sake-fee of the land of Richard Fitz Roger	0	10	0
Moiety of the town of Flixton, for sake-fee	0	1	6
The same rent, for the land of John de la Ware	4	3	6
Rent of Jordan de Crompton	0	1	1
Farm of the bailiff, in serjeanty, there	16	0	0
Pleas and perquisites of the court of the wappentach there...	4	7	3
	£40	5	0

And the bailiffs of towns every week, or at least every fifteenth day, shall make inquiry of all persons being lodged in the suburbs, or in foreign places of the towns. And if they do find any that have lodged or received any strangers or suspicious persons, against the peace, the bailiffs shall do right therein. And the king commandeth that from henceforth [the watch of] all towns be kept as it hath been used in times past, that is to wit from the day of Ascension [a moveable fast, from April 30 to June 3] unto the day of St. Michael [September 29], in every city six men shall keep watch at every gate; in every borough twelve men; in every town six or four according to the number of the inhabitants of the said town; and shall watch the town constantly all night, from the sun-setting unto the sun-rising.[52] And if any stranger do pass

[52] It seems extraordinary that while this statute provides for watching a city or town nightly from May or June to September 29, it contains no enactment for watch and ward from September 29 to Ascension Day, during the winter months and long, dark nights, when there is more danger of fire and thieves. The watch specified by this statute was popularly termed "the Midsummer Watch." But it may be that the closing the gates every evening at sunset, and the prohibition against persons lodging outside the gates, were deemed sufficient watch and ward during the winter. It is remarkable that the first notice of watch and ward in the city of London occurs in the same year, 1285. For some cause King Edward I. substituted for a mayor, a warden, who was commanded to keep and govern the citizens according to their customs and habits, the city being then "in the king's hand." There were then three principal folk-motes in the year. The second was at Christmas "to arrange the wards," which a note states was probably for the purpose of duly keeping watch and ward throughout the winter. As to keeping the peace, any person found wandering at night after curfew rung out, with sword and buckler, was to be taken by the keepers of the peace and put into the Tun [a prison on Cornhill for night-walkers], till the morrow, and then brought before the mayor and aldermen for punishment. No one was to keep a tavern for wine or ale open after curfew hour, under pain of amercement, and for the fifth offence, forswearing that trade in the city. Amongst "the ordinances which king Edward made when he took into his hand the franchise of the city" in 1285, are some against foreign herbegeours [harbourers] or hostelers not being freemen; against the common women dwelling in the city: "and the king doth will, for the safe keeping and maintaining of his peace, that the watch [or wait, *geyt*] shall be set at night within the city in due manner, and when need shall be." The number in each ward to vary with the size of the ward; "such persons must be strong, and with good arms, well able to defend;" they are to make oath before the

by them, he shall be arrested until morning; and if no suspicion be found he shall go quit; and if they find cause of suspicion they shall forthwith deliver him to the sheriff, and the sheriff may receive him without damage, and shall keep him safely until he shall be acquitted in due manner. And if they will not obey the arrest, they shall levy hue and cry upon them, and such as keep the watch shall follow with hue and cry in all the town and the towns near, and so hue and cry shall be made from town to town until they be taken and delivered unto the sheriff, as before is said; and for the arrests of such strangers none shall be punished.

In a town like Mamecestre towards the close of the thirteenth century, if these enactments were observed, there would probably be four men to guard each gate; the number of which gates must be stated only as a matter of conjecture. In later times there were probably four, — the Dene-gate, St. Mary's-gate, the Mill-gate, and the Meal-gate, — still represented by the streets at whose extremities the old gates inclosed the town, viz. Deansgate, St. Mary's-gate, Long Millgate, and Old or Short Millgate, — really Meal-gate, from the meal-house being in that direction.

We have seen that in 1282 Thomas Greslet, at his father's death, was but three years of age. During his minority the custody of the manor was given to a royal favourite named Amadeus de Savoy.[53] It has been generally supposed that during Thomas

aldermen, well and lawfully to keep ward, and without favour or corruption, to arrest and attach those who act and go about by night in breach of the peace, &c. Towards the sustenance of the watch, all hostelers and housekeepers within the ward are to contribute. Those sworn of the watch, and not duly keeping it, to be punished by imprisonment. The arms for the watch to be provided at the cost of the people of the ward. — (See *Liber Albus.*)

[53] Amadeus de Savoy, and not de Saulcy, as Whatton erroneously names him, was styled count de Savoy and was a courtier so high in favour with Edward I. that that monarch sent him to France to act as the proxy of prince Edward of Caernarvon (afterward Edward II.) in his espousal of the Princess Isabelle, daughter of Philip the Fair, king of France. Among the *Cottonian MSS.* is preserved a letter written by the young prince, then only fifteen years of age, from his house at Stepney, dated 15th May 1299, in which he says in right royal phrase, "We do constitute and appoint a notable personage, Amadeus Count of Savoy, as our true and lawful proxy

Greslet's nonage two surveys of the manor were made, viz. in the 10 and the 20 Edward I., that is in the years 1282 and 1292. But this appears to be a double mistake. Instead of one survey made by the officers of the lord of the manor, there were three inquisitions or inquiries before juries, directed by the king's writs, in the year 1282. The most diligent search has failed to discover any survey of the manor or enumeration of its issues and profits in the year 1292; and it is believed that the supposition has originated in error, by mistaking a figure in the regnal year "10" for "20," the figures 1 and 2 in the MSS. of Keuerden and others being often very similar in form.

There are three writs of military summons to Thomas Greslet, the eighth baron. Having been returned from co. Lincoln as holding lands or rents, in capite or otherwise, to the amount of 40*l.* yearly value and upwards, he was summoned under a general

and especial messenger, to contract the espousals, for us and in our name, with the aforesaid Isabelle," &c. In 1303 the ceremony of affiancing took place, and the earls of Lincoln and Savoy, procurators of the prince of Wales at the court of France, in set phrase, plighted to the little bride the words of troth of Edward of Caernarvon. The actual marriage did not take place till after the accession of the prince of Wales to the throne. — (Dr. Doran's *Lives of the Princes of Wales.*) It seems probable that Amadeus was a son or near relative of Peter count de Savoy. In 1236 Henry III. married Eleanor, daughter of the count de Provence, niece of this Peter, who, coming to England, soon rose in the favour of the king, who granted him the honour of Richmond (whence he was sometimes erroneously styled earl of Richmond), and gave him the profitable wardship of the young earl of Warenne. Dr. Hibbert-Ware and Mr. Baines state (apparently on the authority of lord chancellor Hyde) that this Peter de Savoy was created earl of Lancaster; but we have found no evidence of that fact. In June 1252 the "mad parliament" assembled, and a "committee of government" was appointed of twenty-four members, twelve chosen by the king and twelve by the parliament. Amongst the king's twelve was this Peter of Savoy. He built the Savoy Palace, London, and at his death (circâ 1250), his son being deemed an alien, it escheated to the crown, and Henry III. conferred it on his son Edmund Crouchback (so named from wearing a cross or crouch on his back, in token of a pilgrimage), through whom it became a possession of the earls of Lancaster. Amadeus seems to have been in as much favour with Edward I. and Edward II. as Peter was with Henry III.; and amongst the substantial marks of this favour was his custody of the manor of Mamecestre during the nonage of the young Thomas Greslet, eighth baron, during eighteen years — 1282–1300.

writ, in the 28 Edward I. (1300) to perform military service against the Scots; the muster at Carlisle on the Nativity of St. John Baptist (24th June). In the 29 Edward I. (1301) he was summoned from co. Northampton for the same service; the muster at Berwick-on-Tweed on the 24th June. In the 34 Edward I. (1306) he was summoned to perform military service in person against the Scots, or to appear in the exchequer to compound for such service. To muster at Carlisle in fifteen days of the Nativity of St. John Baptist (*i.e.* on or before the 8th July).

The next valuation to be quoted as having reference to the barony and the manor is the ecclesiastical taxation or valuation for tithe of Pope Nicholas IV., made about the year 1291, and of which the following comprises the benefices then existing in the

DEANERY OF MAMECESTRE AND BLACKBURNE.

	Taxation.				*Tenth or Tithe.*		
Church of Mamecestre	£53	6	8	.....	£5	6	8
Church of Eccles (as believed)	20	0	0	.....	2	0	0
Priory of Lancaster (share in same)	2	13	4	.....	0	5	4
Church of Prestwyke	18	13	4	.....	1	7	4
Church of Bury	13	6	8	.....	1	6	8
Church of Middelton	13	6	8	.....	1	6	8
Church of Rakedale	23	6	8	.....	2	6	8
Church of Aston	10	0	0	.....	1	0	0
Church of Flyxton	4	13	4	.....	0	9	4
Church of Blakeburn, with chapels	33	6	8	.....	3	6	8
Church of Whalley, with chapels	66	13	4	.....	6	13	4
Totals	£259	6	8		£25	18	8

DEANERY OF WARRINGTON.

Church of Childwelle	£40	0	0	.....	£4	0	0

We have now brought the documentary annals of the manor to the close of the thirteenth century. The greatest event in its history, the grant of a charter to the burgesses of Mamecestre at the beginning of the fourteenth century, must form the subject of another chapter.

CHAPTER XII.

LANCASHIRE TOWN CHARTERS.

Born in 1278–9, Thomas Greslet, eighth baron of Mamecestre, would attain full age in 1299–1300; his wardship to King Edward and the custody of the manor held by Amadeus de Savoy would then cease, and the young baron would enter into the exercise of his rights and the enjoyment of his large possessions. The opening of the fourteenth century was an epoch in the history of Mamecestre. The young baron, the last of his line, granted to his town tenants or burgesses a charter, confirming rights, privileges and immunities (many of them, doubtless, enjoyed originally by prescription), under which the town or borough was governed in the strictest feudal law and usage for upwards of five centuries. What the Magna Carta gave to the people of England at large, this charter, in a special and limited degree, confirmed and secured to the burgesses of Mamecestre. It is therefore a record of the deepest interest in the past history of the place, and deserving of the greatest care in its elucidation. Before printing its text, however, it may be well to glance at the earlier charters granted to the neighbouring boroughs and towns. The charter of the king to a town raised it to the rank and privileges of a royal or free borough, and entitled it to send one or more of its burgesses to represent it in parliament. Of such parliamentary or royal boroughs in Lancashire, Preston appears to have been the most ancient, being first named a borough in records in 1183 (30 Henry II.) Lancaster follows in 1193 (5 Richard I.); then Liverpool in 1200 (2 John). The fourth in age is Clitheroe in 1329 (3 Edward II.); the fifth Wigan in 1399 (1 Henry IV.) Newton was of much later date, viz. 1558 (1 Elizabeth); while

Manchester (though only for a short time) held the parliamentary franchise in the time of the Commonwealth. It is clear, therefore, that the charter of 1301 did not confer on Mamecestre the privileges of a royal or parliamentary borough; but that it was of a purely feudo-municipal character. What, then, was the so-called borough of Mamecestre, as recognised and confirmed, rather than created, by the charter of 1301? Rightly to comprehend this we must go back a little. Both the Latin *burgus* and the Norman *burg* had in all probability their origin in the Anglo-Saxon *borh* or *burh*, meaning a pledge, and at first denoting a company of ten families, who became mutual pledges or sureties for each other. As these were usually neighbours, the boundaries which circumscribed the neighbourhood came to be called a *burg* or borough. This practice increased as families drew more closely and numerously together into hamlets, vills and towns; and in such towns as were included in manors, where all the land was the lord's, each householder paid to the lord a rent or acknowledgment for his house and plot of land, — which was often a fixed quantity, usually behind the house (which of course fronted to some street or lane), and hence in deeds and court-leet records termed "the back side;" the whole tenement or holding was called a burgage, *i.e.* a tenement in a borough, and its tenant a burgess. Boroughs and burgages existed in Saxon times, and many of both are expressly recorded in Domesday; though none in Lancashire appear in that survey. Society being then divided into bond and free, the freemen were answerable for themselves in *borhs* or pledges; while the villeins had their lords answerable for them. As towns became boroughs, the old folk-mote became therein the port-mote or burgh-mote, and with the court-baron of the lord of the manor was exempted by its charter, or its privileges as a borough, from its free inhabitants having to follow the shire-gemote or sheriff's tourn, an itinerating court, held often at some distance from the homes of its suitors. It is stated to be the distinguishing character of a borough that it should be exempt from the interference or ordinary jurisdiction of the sheriff of the

county. Burgesses had returns of all writs, and were quit of suits of shires or hundreds; doing suit and service only at the lord's manorial court, — the court-baron, and the still more ancient court-leet.

It will be obvious that a charter to a city, town, or borough, given by the reigning monarch, would be of more value, and of less easy abrogation by any opposing authority, than one from earl, baron, or other tenant in capite of the crown. But as the king granted charters to the citizens of cities, and the burgesses of towns, — the barons and chief manorial lords, having towns within their manors or lordships, in imitation of the sovereign, by their charters gave to the burgesses of such towns various privileges and immunities.[54] Thus the great earls of Chester gave a succession of charters to the citizens of Chester, with recognitions of various ancient rights and immunities. The practice was imitated in turn by the smaller barons and lords of manors; and even the older charters were to some extent adopted as models. Thus when

[54] By no class was the effect of the Norman conquest felt more seriously than by that of the citizens and burgesses. Their Norman lord required of them an annual rent, and various dues and customs. He commonly farmed these out to the highest bidder; who, under the title of bailiff, became the chief local ruler of the oppressed citizens, instead of their own old elected port-reeve or borough-reeve. By degrees they bought back some of their old liberties. Their Norman lords found that they could not extort so much by force as the burgesses would voluntarily pay, for the sake of getting rid of the obnoxious, petty tyranny of the bailiff, and recovering their own local self-government. This led the king and other lords of towns to farm them to the burgesses themselves, who paid a fixed rent, and were thenceforth said to hold their town in fee-farm, or by burgage tenure. They also obtained charters, entitling them to elect their own chief officer, who generally took the Norman title of mayor (which Flintoff deduces from the British *maer*). Other privileges were similarly purchased; for a fine of money was almost invariably the consideration on which a charter was granted; and the cupidity of the lords made them seek pretexts for declaring that a borough had forfeited its charter, in which case another fine for a re-grant was exacted. Besides these liabilities to the king, or other lord of the city or land, the burgesses were liable to be *tallaged*; that is, to have special contributions of money levied on them for the lord's behalf, in the same way that *aids* were exacted by him of his land-tenants. — (Creasy *on the Constitution.*) For tallage customs see the charters (*post.*) of Preston, Clitheroe, Salford and Mamecestre.

Henry de Lacy, — himself an earl, but one of the inferior barons forming the council of the earl of Chester, and also holding the hereditary office of constable of Chester under the earls of that palatinate, — wished to give a charter to his burgesses of the town of Clitheroe, his charter (*circâ* 1283) grants and confirms to the burgesses "all the liberties and free customs" "which are or have been enjoyed by the free burgesses of *Chester*." Here the inferior copies the superior lord, in his grant. But even royal charters occasionally named the liberties of one place as granted thereby to another. Thus the charters to Liverpool of King John (28th August 1207) and of his son Henry III. (in 1229) gave to the burgesses of Liverpool every commercial privilege which was possessed by the merchants of London, Bristol, Lynn and the other great ports of the kingdom. This imitative practice of granting to one place the liberties, &c., enjoyed by the burgesses of some other place named, — thus making the privileges of one place the precedent or model for another, — renders necessary a brief notice of the earliest charters to Lancashire towns, so far as they precede that of Mamecestre in 1301.[55] The most ancient of these appears to be that of Preston, which precedes the Manchester charter by two centuries.

[55] The municipal privileges of the earlier towns of England were mostly derived from Roman sources, with the addition of Saxon and Norman, and a few lingering British customs and usages. These were enjoyed anterior to the grant of the earliest charters, and these charters, whether granted by king, earl or baron, must consequently be regarded rather as the formal confirmation and ratification of customs, privileges and immunities already venerable from their antiquity, than the first accordance of such franchises. Indeed most of the early charters express this fact in plain terms, confirming to the men of the town, the burgesses or citizens, all the liberties, free customs and franchises, which they have had from of old time, or which they have ever had. In Anglo-Saxon times the king had an officer called the king's reeve or receiver, in a town, to collect and receive therein the taxes and tolls due to the king; and when the king "gave a town" to a queen, a bishop or abbey, the gift was simply of those dues or duties accruing to the crown from such town. Most Saxon towns were royal towns, having no superior lord but the king. Others, after the introduction of Christianity, gradually grew up about episcopal sees, abbeys, priories, &c., and eventually received recognition and confirmation of their liberties

PRESTON. — A BOROUGH. — ? 1100.

The corporation of Preston possesses a certificate, under the hand and seal of Sir Thomas Walmesley, a judge of the Common Pleas in the reign of James I., stating that he had seen a charter granted by Henry I. to the burgesses of Preston in the first year of his reign (1100). This, it is said also, appears "ex Bundell: Escaet: Anno 1 Henry III. num. 18." It is believed that this charter is the same document with what is called the ancient "Custumale" of Preston, of which the pendant seal has been lost, and which is without date. From the most accurate translation of the original it appears to commence thus: —

These are the liberties of Preston in Amundrenesse. It grants — 1. A guild-merchant, with hanse and other customs thereto belonging. 2.

and immunities at the hands of their ecclesiastical lords and protectors. When the king's reeve or the lord's bailiff practised heavy extortions and grievous oppressions, the townspeople purchased a charter enabling them to choose their own reeve, and protecting them against the petty tyranny of the taxing officers of their superior, and when the town was under the king the burgesses, whenever they could, invariably bought the farm of the king's dues for ever, which was called the fee-farm of the town. Such will be found to have been the case with Liverpool. As to the provisions of charters they were based mainly on the great mass of customs, which formed the old common law, the unwritten law of England ("*lex non scripta*") anterior to the commencement of legal memory, *i.e.* A.D. 1189. To this may be added the liberties and immunities directly declared by Magna Carta and the statute or written law, subsequent to that year. It would be a vain and futile labour to endeavour to give the origin of each clause or provision of a charter of the Anglo-Norman or early English period, amongst a mass of old British and Romano-British, Saxon, Danish and Norman customs and usages, modified as many of these were in their transmission from country to country, and their transfusion from race to race of men. Probably the great body of town-law in the thirteenth and fourteenth centuries consisted of Saxon customs and usages, modified and supplemented by the requirements of the Norman feudal system. The reader who would study this subject should consult for the old British laws the Triads of the Isle of Britain, Ancient Welsh laws, and the Laws of Hoel the Good. For the Roman municipal law, Justinian's *Institutes* and Savigny's *History of the Roman Law*. For the Anglo-Saxon laws, those of Ina, Alfred, Athelstan, Edgar, and Edward the Confessor; for the Anglo-Danes, those of Canute; and for those of the Anglo-Normans, the laws of William the Conqueror, the Domesday Survey, Magna Carta, and the earliest portion of the statute-book, as well as the legal treatises of Bracton, Fleta, &c.

Any bondman holding my land, and in the guild and hanse, paying scot and lot a year and a day, shall remain free in the town. 3. The burgesses to have soc and sac, toll and them, and infangthef; and to be quit throughout all my land of toll, lastage, passage, pontage, and stallage; land-geld, Dane-geld, grithwite [peace-breach], and all other customs throughout our land and domain, as well in England as in other our lands; and no sheriff shall intermeddle with the burgesses concerning any plea, plaint or dispute, pertaining to the town, save the pleas of the crown. 4. To become a burgess, a man must come into court and give to the mayor [*præpositus* or *præfectus*, *i.e.* reeve or port-reeve] 12*d.* and shall take his burgage from the prætors, [?] giving to the prætor's servant a penny that he may certify him to have been made a burgess in court. 5. If his burgage shall be a void place, the mayor shall admit him, so that he shall erect his burgage within forty days, on forfeiture; if he does not erect it, he shall be in mercy 12*d.* 6. When any burgess shall challenge his burgage against another, and the tenant holding it shall prove it to have been held without challenge many years and days, and for one year and day shall prove himself to have been possessed of it, by the oath of two of his neighbours in court, he shall hold it, without contradiction of any claimant, for one year and a day. 7. If any burgess complain of any matter, and another challenge against him, the plaintiff for judgment shall name two witnesses, and he may have any lawful person for witness and another burgess; but the defendant against a burgess shall be put to his oath at third hand by his peers. [? Shall have two witnesses besides himself.] 8. The amerciament in our court shall not exceed 12*d.*, unless for toll evaded, and then the amerciament shall be 12*s.* 9. A burgess shall be bound to come to no more than three port-motes yearly, unless there be a plea against him; and unless he shall come to some one great port-mote, he shall be amerced 12*d.* 10. The mayor shall collect the king's farm at the four seasons of the year; and shall go once for the farm, and another time if he pleases, and (if not paid) shall take away [*deponet hostium*] the door of the burgage, and the burgess shall not replace it till he have paid his debt, unless at the will of the mayor. 11. If any burgess buy any bargain or merchandise, and give earnest, and the seller repent of his bargain, he shall double the earnest; but if the buyer shall have handled the goods, he shall either have the merchandise

or 5*s*. [as rue-bargain] from the seller. 12. If any burgess shall have drink for sale, he shall sell according to the assise made by the burgesses, uless it shall be replaced by the tunnel. 13. A burgess shall not come to the mayor after sunset for any claim, if he is unwilling, unless the claim be made by a stranger. 14. A burgess shall accommodate his lord out of his bargain, the lord paying him within forty days; if not, the burgess shall not accommdate him again until he shall pay. 15. No one can be a burgess, unless he hold a burgage of twelve feet in front. 16. If a burgess sell for more than the assise, he shall be in mercy 12*d*., and he who brought in [? bought or informed] nothing, so the burgess shall of the court have fuel, fire and water to make judgment. 17. If any be taken for theft, or breach of trust, and be condemned, he who sued shall do [or execute] justice. 18. If a burgess wound another, who shall be willing to agree amicably, he shall give for every bruise the breadth of a thumb 4*d*., and for every wound 8*d*.; and whoever is wounded may prove what he has lost by the wound, and the other shall return to him what he has paid the surgeon for healing the wound. And the arms shall be brought to him, and he shall swear upon his arms that he has been wounded, and such things have been done to him, and that, if his friends [? borhs] consent, he will take what is offered to him. 19. If one burgess complain of another burgess that he owes a debt to him and the other acknowledge the debt, the reeve [not the mayor] shall command him to avoid [*i.e.* pay] the debt within eight days, on forfeiture of 8*d*. the first week, 12*d*. the second week, and so for every week till he shall render the debt. But if he deny the debt, and the plaintiff hath witnesses, he shall deny by a third hand upon oath, and the plaintiff shall be amerced 12*d*. If the defendant come with his witnesses and the plaintiff shall not come, the defendant shall be quit and the plaintiff in mercy. If the plaintiff be unable to come and send any one in his stead before the court, he may take the defendant's oath. No plaint or forfeiture shall be set on any burgess in the court exceeding 12*d*. unless he shall be vouched to duel, and duel be adjudged to him; but if duel be adjudged and waged, he shall be in mercy 40*s*. 20. If a burgess marry his daughter or grand-daughter to any one, he may marry her without the license of any one. 21. A burgess may make an oven upon his ground and take furnage for one load of meal [or seam of corn, *suma faris*] one

halfpenny; and the owner of the meal or corn shall find wood to heat the oven. 22. The burgesses shall not go to the oven or to the kiln [of the lord] unless they please. 23. If any one's kiln take fire, and it have one door, he shall give 40*d.*; if it have two doors half a mark [6*s.* 8*d.*] 24. If burgesses, by the common council [counsel] of the neighbourhood, travel for any business of the town, their expenses shall be rendered to them when they return. 25. A stranger may not share in any merchandise with the burgesses of our town. 26. When a burgess wishes to sell his burgage, his next of kin may buy it before any other; and when sold, and he hath not another burgage, when the other shall be seised, he shall give 4*d.* from the issue; but if he hath another burgage, he shall give nothing. 27. If a burgess shall be in mercy for [breaking the assise of] bread or ale, the first, second and third time he shall be in mercy 12*d.*; but the fourth time he shall go to the cuck-stool. ["*Ibit at Cucke-stolam.*"] 28. If a burgess of the town die suddenly, his wife and his heirs shall quietly have all his chattels and lands, so that neither his lord nor the justices may lay hands on the houses or chattels of the deceased, unless he shall have been publicly excommunicated; in which case, by the counsel of the priest and the neighbours, they are to be expended in alms. 29. The wife of the deceased may marry whomsoever she please. 30. If any one demand a debt of another before the reeve, if he be unwilling to pay, the mayor [? reeve] shall render to the plaintiff his debt from the king's purse, and shall distrain on the other's chattels, to pay the debt, or he shall seize the house [burgage] into his hands. 31. The burgesses shall not receive claim from the reeve on a market-day, unless the claim be made by a stranger. 32. A burgess gives no transit [? toll or custom]. 33. A burgess hath common pasture everywhere [in the borough] except in cornfields, meadows and hayes. 34. If a burgess shall strike the mayor or reeve of the borough [two names for the same officer] in court and be convicted, he shall thenceforth be in mercy for the offence. 35. If the reeve shall strike any one out of court, he shall be in mercy for his offence. 36. If a burgess shall strike the reeve out of court, he shall be in mercy 40*s.* 37. If a burgess shall overcome another, if he confess it, he shall forfeit 12*d.*; if he deny it, he shall clear himself by oath. 38. If any one carrying false money shall be taken, the reeve shall render to the king the false moneys as many as there be, and shall

account in the rent of his [the burgess's] farm for the goods, and deliver his body to the king for judgment. 39. Regrators shall not buy anything sold on a market day to a regrator, until the bell be rung in the evening, nor on any day in the week, until that which he bought shall be in the town for one night. 40. The burgesses shall not go in any expedition, unless with the lord himself, unless they may be able to return on the same day. 41. If any one shall be summoned when the justice of the town shall be in the expedition, and shall not go, and acknowledge himself to have heard, he shall forfeit 12*d.* If he denies to have heard the edict, he shall clear himself by his own oath; but if he shall have essoin [excuse], to wit, either by his wife's lying in childbed of a son, or other reasonable essoin, he shall not pay. If he is going with the person of the king, he shall not have essoin. 42. It is the custom of the borough that no burgess ought to be taken for an accusation by the lord or by the reeve if he have sufficient pledges. So of claim made in the borough by any knight, if duel be adjudged between the burgess and knight, the knight may not find a substitute, unless it be found that he ought not to fight. 43. If the reeve command any burgess by another than his [the reeve's] own servant, and he shall not come, he shall forfeit nothing. 44. No justice shall lay hold on the house or chattels of any deceased [burgess]. 45. If any one call a married woman a whore, and complaint be made, and witnesses be absent, she may clear herself by her own oath; and he by whom it was said shall do [her] this justice, — he shall *take himself by the nose*, and say he hath spoken a lie, and shall be pardoned. There is the same judgment as to a widow. — This is the law of Preston in Amoundrenesse, which they have from the law of the Bretons.[56]

The next charter to Preston was granted by Henry II., in all probability in the twenty-sixth year of his reign (1179–80). It briefly confers upon the burgesses of Preston the privileges pre-

[56] What this means is not very clear. Perhaps that the law was derived from the old law of Cheshire, called the *Mercen-lage*, or Mercian law, which embodied in it a considerable admixture of the old laws of the Britons or Welsh. This *Custumale* is a remarkable body of municipal law, bearing date, as it appears to do, only thirty-four years after the Norman Conquest. A volume might be written in illustration of the singular customs and usages it sets forth, and their probable origin.

viously granted "to his burgesses of Newcastle-under-Lyne." As the Staffordshire borough's charter is lost, it can only be supposed that the liberties usually granted to free boroughs were therein given. In a confirmation of this charter by King John, the privileges are described as "the liberties and free customs which the lord Henry our father gave, granted, and by his charter confirmed, to the same burgesses; the whole toll of the wapentake or hundred of Amounderness, and a free fair at Preston at the Assumption of St. Mary [August 25] to last eight days." Henry III. confirmed former charters; and Edward III. in 1328, after confirming all previous rights and privileges, further grants to the burgesses of Preston, "that they and their heirs shall have for ever a weekly market in the town, and a [second] fair in like manner every year, to last five days, — the vigil and feast of the apostles Simon and Jude [October 28] and the three days next following. Enough has been cited to show that Preston was a royal free borough, parliamentary and municipal.

CLITHERO. — BOROUGH. — ? 1147.

The charter granted by Henry de Lacy, the first of that name, to the burgesses of Clithero, no longer exists; but it is distinctly referred to in the oldest charter extant, that of Henry de Lacy, earl of Lincoln, *circâ* 1283. In this he grants —

To our free burgesses of Clithero all their burgages, lands, and tenements, with all their appurtenances, within and without the town, with all their liberties, commons and easements, to the said burgages, &c., belonging, excepting our wood of Salthull, &c. We have also granted and confirmed to the said burgesses all the liberties and free customs which they have heretofore had of the gift and grant of Henry de Lascy, our ancestor, — that is to say, those which the free burgesses of Chester have, and which at any time they have freely had or have or have used. We grant also and confirm to the said burgesses the farm of the town of Clithero, with the issues and amerciaments to the said pleas and court of the town belonging, except whatsoever toll [there may be] which we retain to the use of ourselves and our heirs; and

saving to us and our heirs plaints[67] and trespasses made on our friends, by the said burgesses and others in the said town, — to wit, on their bodies; so that they who offend shall make full amends before the steward, or our bailiffs, according to custom and the law of the land. We have also given and granted to our said burgesses turbary within the limits of Bashall, &c. To have and to hold all the aforesaid, with all their appurtenances, to the said burgesses, their heirs or assigns, freely, peaceably, honourably and wholly, of us and of our heirs for ever; paying yearly, therefor, to us and to our heirs ten marks [6*l.* 13*s.* 4*d.*] at the feast of St. Michael [September 29] for all services to us and to our heirs belonging; — saving to us and to our heirs talliage of the said town, when the king makes talliage of his dominions, and the rest of the customs [dues], which the free burgesses of Chester do to their lord.

Henry IV., by deed in the eleventh year of his reign (4th December 1409) granted two fairs to Clithero. But what free liberties and customs were granted or confirmed by the charter of 1283, we can only learn from the charters of the earls of Chester to that ancient city, and from its *Custumale*, or inventory of rights, privileges and immunities. It was natural for Henry de Lacy, as a feudatory and a chief officer (constable of Chester) to the third Randle, seventh earl of Chester, to copy the grants of his chief lord; and we must, therefore, refer to three charters of this greatest of the earls of Chester and to the Custumale for information as to the rights, &c., of the burgesses of Clithero. None of these charters are dated. The first charter to Chester was granted by Randle Blundeville, seventh earl of Chester, some time within the years 1190–1211, during the constableship of Roger, seventh baron of Halton, who is a witness to the charter: —

I have given, &c., to my citizens of Chester their guild-merchant, with all the free liberties and customs which they have ever freely and quietly had in the time of my ancestors, in the said guild. And I forbid upon penalty to me of 10*l.* that no man trouble them thereof.

[67] Plaint (French *plainte*, Latin *querela*) is the propounding or exhibiting any action, real or personal, in writing; and the party making it is called the plaintiff or complainant (*querentes*).

A second and longer charter was granted to the citizens by the same earl, also within the twenty-one years of Roger's constableship; and its chief clauses are: —

I have given, granted, &c., to my citizens of Chester, all the liberties and free customs which they have ever had, freely and quietly, in the time of my ancestors, — to wit, acquittances, releases, and recognizances, with the appurtenances, in the city of Chester for ever. If any citizen, &c., die, his will, &c. If any citizen, &c., do buy anything in open day before witnesses, &c. If any citizen, &c., do lend any of his goods or chattels to any man, it may be lawful, &c. If a citizen be slain in my service, &c. All these liberties and free customs I have given to the said citizens, to hold of me and my heirs, freely, &c., for ever; and I forbid that no man hinder or trouble them thereof, upon pain of 10*l.*

The unfinished clauses, ending with "&c." will be found fully seth forth in the Custumale. The third charter, also without date, is by the same earl, and as amongst the witnesses are constable Roger and Master Hugh, Abbot, this fixes the date of this charter within the three years 1208–1211, in the first of which Hugh Grylle succeeded to the abbacy, and in the latter Roger the constable died: —

I have granted, &c., to my citizens of Chester and to their heirs, that no man shall buy or sell any kind of merchandise which cometh to the city of Chester, by sea or land, but themselves or their heirs, by their grant, except in the [two] fairs, &c. Wherefore I will that my said citizens, &c., have and hold the aforesaid liberties of me and my heirs for ever, freely, quietly, peaceably and honourably. And I forbid, upon pain of 10*l.* to be paid to my use, any man troubling or hindering them of their said liberties.

Succeeding earls granted other charters, but the royal one of 28 Edward I. (June 12, 1303) appears to have conferred the largest immunities on the citizens, namely, exemption throughout England and Wales from soc, sac, toll, them, infangethef and utfangethef, &c. The following translation of the ancient Custumale or Record of the Liberties of Chester, is from the only copy

of it known to be extant; and it is singular that this should be found, not amongst the muniments and archives of Chester, but in a little box in the custody of the corporation of Clithero: —

THE LIBERTIES OF CHESTER.

The mayor and citizens of Chester do challenge these liberties, to wit: — First, that the city of Chester is a free city, and that the foresaid citizens may by their own power choose yearly a mayor, on the Friday next after the feast of St. Dionise. [? St. Denis, bishop of Corinth, April 8]. But having [*i.e.* but he must have] first made his oath of the law of the king, and sworn to the said citizens to preserve the liberties of the city. Also that they may of their own power choose two sheriffs on the day named and in manner aforesaid, on which, at the command of the said city, the mayor and bailiffs thereof do make and perform their oaths. [The oath of the mayor and bailiffs follows. It is chiefly of allegiance to the king, and defence of the rights of the crown, and thus concludes: — "You shall preserve the liberties of the city as much as in you lieth. You shall keep two leet courts in the year, if God shall lend you life. You shall look that the officers do their duties under you to the uttermost of their power."] The mayor and citizens also challenge to have two markets every week of the year, on the Wednesday and Saturday, and all things appertaining to a market. Also two fairs in every year in the said city, one on the feast of the Nativity of St. John Baptist and the other on the feast of St. Michael the Archangel [June 24 and September 29], and all things belonging to a fair. They also challenge to have this liberty underwritten, — to wit, acquittances, releases, recognizances, with their appurtenances, and the *Pendice* [a court, so named from its pent-house porch] in the city for them, their heirs and successors for ever. If any citizen die, his will, being reasonably made, shall be accounted strong and sure, in what place soever he shall die. If any citizen do buy anything upon the eighth day [? in open day], and before witnesses, and some man afterwards shall come out of France or England, who can reasonably reprove [? claim as his] the thing bought by the citizen, the citizen who bought it shall be quit from the earl of Chester and his bailiffs; losing only and restoring the thing bought. If any man shall come to the bailiffs, who can reasonably disprove the thing bought, he

shall pay the price of it to the citizen, which the citizen can reasonably prove he paid for it. If any citizen, &c., have lent to any man any of his goods and chattels, it may be lawful to him to take no man in the city for the recovery of his goods without the license required of the sheriff or any bailiff of the said earl. If any citizen be slain in the service of the king, his goods shall be disposed of as and if he had made a will lawful, and no man shall trouble them, their heirs or successors, upon pain of 20*l.* to be paid to the earl. No man shall buy or sell any kind of merchandise which shall come to the city by sea or land, except themselves, their heirs and successors, or by their grant, unless in the fairs holden upon the feast days of St. John Baptist and St. Michael; and no man shall hinder or trouble them of the aforesaid liberty on pain of 10*l.* to be paid to the earl for his own use. And the said city doth challenge all their liberties and free customs to be holden of the said earl, &c., to the said citizens, &c., for ever. Yielding yearly to the said earl, &c., the sum of 20*l.* at the feasts of Easter and St. Michael by equal portions. And also they challenge that they may of their own power choose coroners in the said city so often as need requireth, who shall swear before the mayor of the city that they will faithfully do and execute attachments and pleas of the crown and of the said earl, within the said city and liberties thereof, and other things belonging to the office of coroners. And to have and hold all pleas of the crown which shall happen within their liberties, to be pleaded before the mayor and bailiffs of the said earl in the court of the said city, and to receive all amerciaments and all other things which belong to the said earl in this behalf, or which they know the predecessors of the said earl to have been accustomed to receive before time. And also they claim to have for ever sac [and soc], toll, and infangethef and utfangethef, and quiet being [quittance] through all the dominions of the said earl, from "theolonio, passagio, lastagio, marigio [?], passagio, pontagio et stallagio, dainguilt, guiltbitt,[58] and all other customs, as well within England as in all other

[58] *Theolonium*, toll. — *Passagium* (Latin *transitum*), is a free passage over water, or else the toll demanded for such passage. — *Lastagium* or lastage is a custom paid on wares sold by the measure called a last, as herrings, pitch, &c. — *Marigium* we cannot find; but there may have been some coast-toll on merchandise brought over sea bearing some such name. Or it may be a clerical error for *murage*, a toll levied on horses and carts for the repair of the walls of a town or city. In a charter of

dominions of the said earl. And also they challenge that if any do die, testate or intestate, [neither] the said earl nor his heirs shall cause their goods to be confiscated; but their executors or nearest friends shall have them wholly. Also that no bailiff or officer of the said earl, of the said city, shall attach or distrain within the liberties of the said city, or execute the office of bailiff in default of the foresaid citizens or [their] bailiff. Also they challenge that if any man be attached or apprehended within the liberties of the city [he] shall be brought to the prison of the said earl in the said city, to wit, to Northgate, there to be detained and kept until he be delivered according to the law and custom of the said city. Also they challenge that they themselves or their goods, in what place or dominion soever of the said earl, shall not be arrested for any default, whereto they stand not either as sureties or principal debtors. Also they challenge to have their merchantable guild [or guild-merchant, *gilda mercatoria*] with all liberties and free customs which they ever freely and quietly have had in the time of the ancestors of the said earl in the said guild. Also they challenge to have all the goods of felons and fugitives within the liberties of the said city which do amount to the value of 30*l.* or under, and if the said goods do exceed the value of 30*l.* the said earl shall have all the residue. Also they challenge that the mayor of the city shall have the office of escheator of the said earl within the liberties of the city, and shall be as escheator; that every mayor at the time he is chosen shall come into the exchequer of the earl, before the justice of the earl or his deputy, and the chamberlain of the earl and his heirs, or at least before the chamberlain, and shall swear faithfully to execute the said office, and to make a true account thereof to the earl. The mayor and citizens by these words

Edward I. to the city of London, the citizens were declared "quit of pavage, pontage and murage." (See *Liber Albus*.) In the context we cannot think it means *maritagium*, the custom paid on a marriage. The second time the word *passagio* occurs in the text is doubtless a mistake for *pesagio*. Pesage is a custom or duty paid for weighing merchandise or other goods, and *pesarius* was a weigher. *Pontagium*, pontage, was a toll taken from persons passing over a bridge. *Stallagium* or stallage was the toll paid to the lord for pitching or erecting stalls (Anglo-Saxon *stal*) or standings, in fairs or markets. *Dainguilt* (Latin *Dane-gildum*) is of course Danegeld, and *Guilt-bitt* is probably the small yearly payment towards the guild-merchants of those days. Or it may be a corruption for *gavel-bit*, a sort of arbitrary rent or custom paid to the lord.

"acquittances, releases, recognizances and patents" do challenge to have record and to receive all manner of recognizances, as well for peace-keeping as for all manner of debts, to what sum soever amounting, before the mayor for the time being, in their court there, called the Portemote, and to record, receive, and make releases and acquittances of the premises in the said court. Also to determine of all indictments and forfeitures in the said court, and to take issues, amerciaments, and fines thereof, to their own proper uses. And by these words "merchantable guild, with all liberties and free customs which they ever freely and quietly have had," they challenge that upon the Friday next after the feast of St. Dyonise, they may of their own power choose every year two stewards of the same guild, which be of the fraternity of the same guild; who then shall swear before the mayor and sheriffs and other citizens, that they will truly and sufficiently make account of all money by them received, of any persons coming into the guild, and of all other customs of the said guild, which have been received time out of mind, and appertain to the said guild. That every one that is of the said guild shall be a free man in the said city, and may buy within the liberties of the city all kinds of merchandise coming to the city by sea or land. That no man that is admitted into the said guild shall buy anything within the liberties of the city without consent of the stewards of the guild. And for the maintenance of the said guild they may take, as their predecessors time out of mind have taken, these customs,—every ton of iron 4*d*. And by this word "sacke" they challenge to hold pleas in their court called the *Pendice*, before the sheriffs of the city; and all manner of complaints and pleas personal between parties, of every cause arising within the liberties, &c., which do belong to a court baron. And also to have suit of all free citizens. And by this word "Pendice Court" they challenge to have in the said court all kinds of pleas and plaints amounting to any sum, and all pleas personal, and all plaints arising within the liberties of the city; and also to have to their own proper use all issues, fines, forfeitures and amerciaments arising within the said court. And by this word "sacke"[59] they challenge to have fines, issues, amerciaments and forfeitures, of and for all articles,

[59] This is the second time that the Custumale explains what is claimed under the term "sacke." Perhaps this latter should be "soc" or "soke," which implies the liberty of freemen within the jurisdiction of the lord of the manor.

complaints and pleas coming out of the said court, which do appertain to a court baron. And by this word "Portemote" they challenge to have and to hold a certain court in the city every fifteen days, called the Portemote, in the common hall before the mayor of the city, and there to hear and determine all plaints and pleas, real and personal, of all lands and tenements within the city, and the liberties thereof, arising or being; and to make execution thereof. Also to receive all articles which belong to the view of frank pledge, by indictment in rolls or inquiry, and then to hear and determine, and execute. And also to have and to hold to their proper uses all issues, fines and forfeitures whatsoever proceeding out of the said court. And by this word "toll" they challenge to have and take toll for all kinds of merchandise bought or sold within the liberties of the city. To wit, for every ship coming within the liberties of the city, with any merchandise or victuals, called "keile" [a keel] toll 4*d.* and to the clerk 1*d.* For every merchant having merchandise in the city exceeding the value of 6*s.* 4*d.*, for his toll on all his merchandise 4*d.*, and the clerk 1*d.* And for every tun of wine 4*d.*, and for every [blank, ? ton or cart-load] of any kind of merchandise coming in or going out of the city and the liberties thereof 4*d.*; and if there be more merchants, every one of them 4*d.*; and for every horse carrying in or out of the city any load or fardel [bundle] of merchandise or victuals to be bought or sold 1*d.*; and for every horse bought 4*d.*; for every ox, cow, or heifer 1*d.*; for three sheep 4*d.*, and if there be more 4*d.*; and for every pair of wheels 4*d.* And by this word "Them" they challenge that every one born within the liberties of the city [that] shall continue quiet within the franchises and liberties of the city, a year and a day — him and his goods shall be quiet from the earl, and from any others in the city of Chester. And by this word "Infangthief" they challenge that felons apprehended within the liberties of the city [the rest of the sentence is illegible; probably "shall be tried before the mayor and bailiffs in the Pendice"]. And by this word "Outfangthief" they challenge that if any felon of the city be apprehended for felony, without the city and county, the felon shall be delivered to the officer of the city to take execution. And also they challenge by this word "Theolonio" that they may be free from all toll for any kind of merchandise or any other things bought or sold by them, in any fairs or markets, or other places, as well within

the city of Chester as through all the county of Chester; and also as well throughout all England as in Wales and the marches thereof.

There are of course many privileges and immunities of the citizens of Chester, which could not in the nature of things be enjoyed by the burgesses of Clithero; — for instance its franchises as a free port, and as possessing a guild-merchant. But enough remains to give the burgesses of Clithero very large liberties if duly claimed by them, and allowed by authorities higher than that of their feudal lords the Lacies. And it does appear that the Clithero burgesses had a royal confirmation of their liberties: —

In 1229 Edward I. conferred all the liberties and free customs granted in a charter of Henry de Lacy, earl of Lincoln, to the free burgesses of Clithero and their heirs, giving them their burgages and lands, which they had by the grant of the king's ancestors or of the said Henry; and the same privileges as the burgesses of Chester; — together with the farm of the town of Clithero, its profits and amercements, and right of turbary.

LANCASTER. — BOROUGH. — 1188?

John, earl of Mortaigne or Moreton, before he ascended the throne, some time 1183–1189, probably about 1188, granted a charter to his burgesses of Lancaster, by which he gave to them all the liberties and free customs enjoyed by his burgesses of Bristol. His charter to that city grants and confirms —

1. To my burgesses of Bristol, dwelling within the walls and without, as far as the boundary of the town, all their liberties and free customs, as well, freely and completely (or more so) as they ever had them in my time or the time of my predecessors, viz. 2. No burgess of Bristol shall plead or be impleaded out of the walls of the town in any plea, except pleas relating to foreign tenures, which do not belong to the hundred of the town, and that they shall be quit of murder within the bounds of the town. 3. No burgess shall wage duel, unless he shall have been appealed, for the death of any stranger who was killed in the town, and did not belong to it. 4. No one shall take an inn within the

walls, by assignment or by livery of the marshal, against the will of the burgesses. 5. They shall be quit of toll and lastage and pontage, and of all other customs throughout my whole land and power. 6. No one shall be condemned in a matter of money, unless according to the law of the hundred, viz., by forfeiture of 40*s*. 7. The said hundred court shall be held only once a week; and no one, in any plea, shall be able to argue his cause in miskenning. 8. They may lawfully have their lands, tenures, mortgages and debts, throughout my whole land, whoever owes them anything. As to lands and tenures within the town, they shall be held by them duly according to the custom of the town. 9. As to debts which have been lent in Bristol, and mortgages there made, pleas shall be held in the town, according to the custom of the town. 10. If any one, in any other place in my land, shall take toll of the men of Bristol, if he shall not restore it after he shall be required, the reeve [*præpositus*] of Bristol shall take from him a distress at Bristol and force him to restore it. 11. No stranger tradesman shall buy within the town, of a man who is a stranger, leather, corn or wool; but only of the burgesses. 12. No stranger shall have a wine shop, unless in a ship; nor sell cloth for cutting, except at the fair. 13. No stranger shall remain in the town with his goods for the purpose of selling, but for forty days. 14. No burgess shall be confined or distrained any where else, within my lands or power, for any debt, unless he be debtor or surety. 15. They shall be able to marry themselves, their sons, their daughters, and their widows, without the license of their lords. 16. No one of their lords shall have the wardship or the disposal of their sons or daughters, on account of the lands out of the town; but only the wardship of their tenements which belong to their own fee, until they shall be of age. 17. There shall be no recognition (?) in the town. 18. No one shall take tyne [? teind, tithe] in the town, unless for the use of the lord earl [John himself], and that according to the custom of the town. 19. They may grind their corn wherever they shall choose. 20. They may have all their reasonable guilds, as well or better than they had them in the time of Robert and his son William, earls of Gloucester.[60] 21. No burgess shall be com-

[60] Robert, surnamed the Consul, was a natural son of Henry I. He was created (first) earl of Gloucester. Dying in 1147, he was succeeded in the earldom by William, his son and heir, who died in 1173 s.p.m., and the earldom passed to the

pelled to bail any man, unless he himself choose it, although he be dwelling on his land. 22. We have also granted to them all their tenures within the walls and without, as aforesaid, in messuages, copses, buildings, on the water and elsewhere, wherever they shall be in the town, to be held in free burgage, viz. by land-gable [gavel] service, which they shall pay within the walls.[61] 23. Any of them may make improvements as much as they can in erecting buildings, on the bank [? of the Severn] and elsewhere, so it is without damage of the borough and town. 24. They shall have and possess all void grounds and places, contained within the said boundaries, to be built on at their pleasure. Wherefore I will and firmly enjoin that my burgesses aforesaid and their heirs shall have and hold all their aforesaid liberties and free customs, as above written, of me and my heirs, as well and completely (or more so) as ever they had them in good times, well and peaceably and honourably, without hindrance or molestation which any one may offer them on that account.

In 1199 the earl of Moreton, on ascending the throne as King John, abrogated his former charter to Lancaster so far as regards the liberties of Bristol, instead of which he conferred on his burgesses of Lancaster the liberties which the late king his father (Henry II.) had granted to Northampton, and confirmed the other grants contained in the charter. Of this charter we do not find a copy; but amongst the most important liberties and immunities which it grants are — Quittance of toll throughout all England and the ports of the sea; a court of pleas of all debts contracted at Lancaster; power to choose a mayor annually; a yearly fair of eleven days and a weekly market; and the enjoyment of all other liberties and free customs of the citizens of London. This charter was confirmed by Henry III. in 1226. We see, therefore, that in succession rights and liberties were granted to

husband of Isabel, his third daughter and coheir, John Plantagenet, younger son of Henry II.

[61] Gabel (*gabella*, *gablum*, *gablagium*) in French *gavelle*, is a term variously used for a tax, a rent, a tribute, a custom, a service, payable or to be rendered to the lord. Here it is treated as a service equivalent to burgage tenure.

the burgesses of Lancaster, such as were enjoyed by Bristol, Northampton and London.

LIVERPOOL. — FREE BOROUGH ON THE SEA. — 1207.

King John, having exchanged lands with Henry Fitz-Warine of Lancaster, became possessed of the town of Liverpool by deed on the 28th August 1207; and the very same day, by a short charter, he raised it to the dignity and privilege of a free sea-port: —

We have granted to all who shall take burgages at Liverpul, that they shall have all liberties and free customs, in the town of Liverpul, which any free borough on the sea hath, in our land.

The free boroughs on the sea at that period were London, Bristol, Hull, Lynn, Southampton, Newcastle-on-Tyne, &c. The second charter to Liverpool was granted by John's son Henry III. 24th March, in the thirteenth year of his reign (1229): —

We have granted, &c., that our town of Liverpool shall be a free borough for ever, and that the burgesses of the same borough may have a guild merchant, with a hanse[62] and other liberties and free customs to that guild pertaining; and that no one that shall not be of that guild shall traffic in any merchandise unless by the consent of the same burgesses. Also we have granted to the same burgesses and their heirs, that they may have soc and sac and toll and theam, and infangethef; and that they shall be quit throughout our whole realm, and throughout all the ports of the sea, of toll, lastage, passage, pontage, and stallage; and that they shall do no suit of county courts or wapentake courts, for their tenures, which they hold within the borough aforesaid. Also we have granted to the same burgesses, &c., that whatsoever merchants shall come to the borough with their merchandises, of whatsoever place they may be, whether foreigners or others, who shall be in our peace, or who shall come into our realm by our license, may safely and securely

[62] *Hanse* (an old Gothic word) denotes a society or confederation of merchants for the good usage and safe passage of merchandise from one kingdom to another. The Hanse merchants had four principal seats or staples, with a house; that in London was named the Steel Yard. — (*Jacob.*)

come to our said borough with their merchandises, and there safely dwell, and thence safely depart, rendering therefore the right of due customs. Also we forbid that any one shall do injury, damage, or grievance to the said burgesses, upon forfeiture to us of 10*l.* Wherefore we will and firmly command that the aforesaid town of Liverpool be a free borough, and that the said burgesses may have the aforesaid guild merchant, with a hanse, and other liberties and free customs to that guild pertaining; and that they may have all other liberties and free customs and acquittances, as is aforesaid.

SALFORD. — BOROUGH. — 1230–31.

Randle Blundeville, earl of Chester, was created earl of Lincoln by Henry III. in 1217, and his dateless charter to Salford, in which he sets forth his title of earl of Lincoln, must have been in or subsequent to that year. The first witness to this charter, Sir William [de Vernon], justice of Chester, only held that office about two years, 1230–31, being succeeded in the latter year by Richard Fitton. In all probability, therefore, the charter was granted in the year 1230, or early in 1231. The original document is still preserved amongst the archives of the borough, in a chest having three separate locks, the keys of which are kept by the mayor and two other functionaries, so that the chest cannot be opened without bringing the three together. A copy (Latin) is printed in Baines's *Lancashire* (vol. ii. p. 170), but it has been carelessly and inaccurately copied, and four of the witnesses' names are omitted. A translation of the charter was made by Mr. Thomas Peet, and printed for private circulation in 1848; but this also contains many errors; and it is therefore desirable to print a translation as literally accurate as possible, after collation not only with the original, but also with a copy (Latin) which is more legible, and which is now in the Peel Park Museum, Salford. The granting clauses have been numbered for convenience of reference: —

Randle, earl of Chester and Lincoln, to all present and to come, who shall inspect or hear this present charter, greeting.

1. Know ye me to have given and granted, and by this my present charter to have confirmed, that the town [villa] of Salford may be a free borough, and that the burgesses dwelling therein may have and hold all these liberties underwritten.

2. First, that each burgess may have one acre of land to his burgage, and he shall pay for such his burgage by the year twelve pence, for all services which to that burgage belong.

3. [The word "Also" at the beginning of each clause is omitted.] If the reeve of the town [or borough-reeve] shall challenge any burgess on any plea, and the challenged come not on the day, nor any one for him, within the Laghe-mote,[63] he is in my forfeiture twelve pence.

4. If any burgess implead another burgess for any debt, and he shall acknowledge the debt, the reeve may appoint a day for him [to pay] to wit, the eighth, and if he come not on the day, he shall pay to me twelve pence as forfeiture of the day, and he shall pay the debt, and to the reeve four pence.

5. If any burgess, within the borough, through anger, shall strike or beat any burgess, without bloodshed, by view of the burgesses he shall make peace with him, saving my right, to wit, twelve pence.

6. If any one shall be impleaded in the borough of any plea, he need not answer, neither to burgess or villein, or any other, unless in his Portemote, to wit, to a plea which pertains to the borough.

7. If any burgess or other accuse [*appellat*] any burgess of theft, the reeve shall attach him to answer, and to abide [*stare*] judgment in the Portemote, saving my right.

8. If any one shall be impleaded of his neighbour, or of any other, of anything that belongeth to the borough, and he shall make suit [*secutus fuerit*] three days, if he have witnesses of the reeve and of his neighbours that his adversary made default on those three days, he shall after that give no man answer of that plea, and the other shall fall into mercy [*misericordia*].

[63] *Laghmote, i.e.* law-meeting or court, was one of the ancient law-courts, and possibly its older form was Lagh-Halmote, the hall or manor mote for recapitulating their manorial laws; such court being held in London twice a year. — (See *Liber Albus.*)

9. No burgess ought to bake bread to be sold, save at my oven, by reasonable custom.

10. If I shall have a mill there, the burgesses shall grind at my mill, to the twentieth vessel [or measure]; and if I shall not have a mill there, they may grind where they will.

11. The foresaid burgesses may choose a reeve of themselves, whom they will, and remove him at the end of the year.

12. Any of the burgesses may give, pledge [or mortgage, *impignorare*] or sell his burgage to whomsoever he will, unless his heir will buy it; but his heir shall be nearest to buy it, saving my service; but so that it shall not be sold into religion [*i.e.* mortmain].

13. The burgesses may arrest their debtors for their debts in the borough, if the debtor acknowledge his debt, unless they be tenants of the borough.

14. The chattels of burgesses ought not be seized [*namare*] for the debts of any one but themselves.

15. The aforesaid burgesses and all of whomsoever they may buy or sell, wheresoever it may be within my demesnes [or lordship] whether in fairs or in markets, shall be quit of toll, saving the toll of salt.

16. Whosoever shall break the assise, whether of bread or of ale, shall remain in forfeiture of twelve pence for three times, and the fourth time he shall make [or do] the assise of the town.[64]

17. The same burgesses shall have common free pasture, in wood and in plain, in all pastures belonging to the town of Salford. And they shall be quit of pannage in that wood of the town of Salford.

18. The aforesaid burgesses may reasonably take from the aforesaid wood all that is necessary to build [with] and to burn.

19. Any one may be at plea [*i.e.* may answer a plea] for his wife and his family; and the wife of any one may pay his farm [or rent] to the reeve, doing what he ought to do, and follow the plea for her husband, if he should perchance be elsewhere.

20. A burgess, if he shall have no heir, may leave his burgage and his chattels, when he dies, to whomsoever he pleaseth; saving, however, my right, to wit, four pence, and saving the service that to that burgage belongeth; so that the burgage, however, be not alienated in religion.

[64] This last clause is obscure; but it probably means that he shall suffer the punishment usual in the town for assise-breach, viz., the pillory or the tumbrel.

21. When a burgess dieth, his wife may remain in the house with the heir, and there may have necessaries so long as she remain without a husband; and whenever she will marry, she may depart without dower, and the heir as lord [or master] shall remain in the house.

22. When a burgess dieth, his heir shall give no other relief to me than these arms, to wit, a sword, or a bow [and arrows] or a lance [or spear].

23. No one within the wapentake of Salford, as a shoemaker, a fell or pelt-monger [*pelliparius*], a fuller, or any other such, shall use his office [follow his business] unless it be within the borough, saving the liberties of the barony.

24. The aforesaid burgesses shall pay their rent for their burgages at the four yearly terms, namely, at the Nativity of the Lord [Christmas] three pence; at Mid-Lent [*ad mediam* xl^ma^] three pence; at the feast of [the nativity of] St. John the Baptist three pence; and at the feast of St. Michael three pence.

25. All the aforesaid pleas shall be determined before the bailiffs of the lord the earl, by view of the burgesses.

26. Whosoever shall desire to sell his burgage, save into religion, and to depart from the town, shall give me fourpence, and shall go freely whithersoever he will, with all his chattels.

27. I the same Randle and my heirs will warrant all the aforesaid liberties and customs, to the foresaid burgesses and their heirs, against all people for ever; saving to me and to my heirs reasonable talliage, when the lord the king shall cause to be tolled [or tallaged] his boroughs throughout England.

In memory of which matter to this present page I have set my seal. These being witnesses: — Sir William, justice of Chester; Simon de Montfort; Paganus [or Payne] de Chauros: [? Choresworth]; Fulke Fitz-Warine; Gilbert de Seagrave; Walter de Arden; Richard de Berun [Byron]; Roger Gernet; Roger de Derby; Geoffrey de Bury; Hugh de Bury; Simon and John, clerks; and many others.[65]

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[65] As to the witnesses, we have already noticed the first, Sir William de Vernon, and need only add that he was a Lancashire knight, and was at the head of a body of archers in the 5 John (1203-4). He was attached to the service of William, Earl Ferrers, under whom he held lands in the counties of Nottingham and Derby. He

WIGAN. — BOROUGH. — 1246.

By one of the Banastres, early barons of Newton, the manor of Wigan was conferred upon the rector and his successors, who

also had possessions in Lancashire and other counties, and in 1219 he was appointed one of the justices itinerant for the northern counties; and he was such an officer for the counties of Nottingham and Derby in 1225. — Simon de Montfort was the great man of that name, the second and youngest son of Simon, count de Montfort in France, who was so conspicuous in conducting some of the barbarous crusades against the Albigenses. The father (having married Amicia, sister and co-heir of Robert Fitz-Parnell, earl of Leicester) was created earl of Leicester by King John; but was subsequently banished the kingdom, entered into the service of France, and died in 1217. Simon, his second son, was for a time in favour with Henry III., who (with the consent of Almaric, the elder brother) in 1236 confirmed him, in right of his mother, in the earldom of Leicester, which had, with his father's confiscated lands, been given by John to Randle, earl of Chester. These facts show that when he signed the Salford charter, thirteen years after the death of his father, he had not recovered his earldom, or even received the honour of knighthood. It is stated that he was little known in England until 1238, when he married a sister of the king's, Eleanor, countess dowager of Pembroke. Simon soon distinguished himself as the firm opponent of all foreign favourites and encroachments; was in consequence banished the court; became the great leader of the English barons in resisting the king's violations of Magna Carta, fought against the tyrant with various fortune, and finally, after the defeat of his son Simon at Kenilworth, perished with his son Henry at the battle of Evesham on the 4th August 1265. He was a skilful politician, a master of the art of war, possessed great literary acquirements, and was a devout man, a patriot, and an idol of the people. — Paganus de Chauros, or Payne de Choresworth, we have not been able to trace. Probably he was the holder of the messuage and sixty acres of land in Pendlebury, called "Schoresworth." Some read the abbreviated surname "Chaurt," which may mean Chaderton or Chorleton; but we have found no Paganus or Payne of either locality. — Fulke Fitz-Warine is stated to have been a Shropshire baron, and he was probably at the court of the great earl of Chester, to render his homage. He was slain at the battle of Lewes, May 14, 1264. — Gilbert de Segrave was the second son of Stephen de Segrave (justice of Chester in 1236–37) by Rohese, daughter of Thomas le Despenser; but his elder brother John, dying in his father's life-time, he succeeded to the property on his father's decease in 1241. He married Amabilia, daughter of Robert de Chaucomb, and in the 15 Henry III. (1230–31) had a grant from Simon de Montfort, lord of Leicester, of the town of Kegworth, Leicestershire. In the 26 Henry III. (1241–42) the year following his father's death, he was made justice of the forests south of Trent, and governor of Kenilworth Castle; was raised to the bench at Westminster in 1251, and was one of the justiciers appointed to hear such pleas of the city of London as were wont to

still enjoy the manorial privileges of the borough. This gift was confirmed by two royal charters in the reign of Henry III. The first of these charters, dated in the thirtieth year (1245–46), grants and confirms the former grant to John Maunsell, parson of the church of Wigan.[66] It grants further that his town of Wigan shall be a borough for ever, and that the burgesses shall have a guild-merchant, with a hanse, and all the liberties and free customs to such guild belonging. The burgesses shall also have sac

be determined by the justices itinerant. In 1254 he was sent on a mission into Gascony, in returning from which, with John de Plessetis, earl of Warwick, and other nobles, in spite of the king of France's letters of safe conduct, they were seized and imprisoned at Pontes, a city of Poictou. Though ultimately released, his sufferings there brought on his death towards the close of that year, when his lands, as usual, were seized into the king's hands. — (Foss's *Judges of England*, vol. ii. p. 466.) — Walter de Arden we do not find, but the abbreviation may be "Walker"; and there was a Sir Walkelyne de Arderne knight, justicier of Chester in 1236, who married Agnes, daughter of Philip de Orreby, and died about 1265. — Richard de Berun or Byron, was either the second son of the Robert, who married the heiress of Clayton, which Richard was lord of Cadenay; or the Sir Richard, lord of Cadenay and Clayton, who had grant of free warren in his Lancashire demesnes in June 1308, represented Lancashire in parliament, and died before 1347. — Sir Roger de Gernet of Halton co. Lanc. was the male representative of a Norman family; being the younger son of Vivian Gernet, and brother and heir of William Gernet. He was hereditary forester of Lancashire in fee, and held by serjeanty, in right of that office (partly from the crown, and partly from the house of Lancaster) a forge within the forest, the lands and advowson of Halton, lands in Lee, Burgh and Fishwic, a fishery in the Ribble there; the advowson of Preston, and lands in Eccleston and Whiston, and paramount rights in Speke. (See inq. p.m. 36 Henry III. 1251–2). He married Quenilda, fourth daughter of Thurstan Banastre, under grant from the earl palatine of Chester, of whom she was military tenant; but as she also held lands of the king, he caused Sir Roger Gernet's lands to be seized on the marriage (*Test. de Nevill*, p. 401). On certificate of the husband's services to King John, made by the earl of Chester, the estates were restored. Sir Roger left no issue by Quenilda, but he left a son by another marriage, Benedict Gernet; and Jane, sister of a Benedict Gernet, afterwards carried the estates into the Dacre family. — (Ormerod's *Miscell. Palat.*) — The other witnesses are men of less mark, and not easily identified at this long interval of time. Those we have noticed show with what almost regal state the ancient earls of Chester were surrounded by men of high rank, large possessions, and of grave, judicial and other offices and functions.

[66] The provost of Beverley, already noticed, note 6 p. 92.

and soc, toll and them, attachments within the borough, infangethef and utfangethef, and quittance from toll, lastage, pontage, passage, and stallage, over land and at all sea ports. Also freedom from suit and service to the county or the wapentake for their lands in the borough. Merchants, strangers and others, on paying the customary dues, to have freedom to pass into the borough with their merchandise, safely there remain the limited period, and safely thence return. The same king, in the forty-third year of his reign (1258–59) by a second charter confirms to John Maunsell, parson of Wigan, and his successors for ever, a weekly market every Monday at their borough of Wigan, and two yearly fairs [together] of six days' duration, viz., one on the eve, day and morrow of the Ascension (Thursday in Rogation week); and the other on the eve, day and morrow of All Saints (November 2). It should be added that in this case the barons of Newton retained the advowson of the church of Wigan in their hands.

In further illustration of the forms of charters granting municipal liberties, we may refer to two north Cheshire boroughs: —

STOCKPORT. — Sir Robert de Stokeport, who was mesne lord of Stockport under the family of Despencer, during the northern earldom, granted a charter to his burgesses of Stockport, that it should be "a free borough;" that each burgess might have a perch of land to his house, and an acre to his field, and should pay for each burgage 12*d.* yearly for all the farms to it belonging. — (Ormerod's *Cheshire*, vol. iii. p. 385.)

MACCLESFIELD. — Randle de Blundeville, the third earl of Chester of that Christian name, granted to his burgesses of Macclesfield that it should be "a free borough." He also willed that it should consist of one hundred and twenty burgages, for each of which 12*d.* yearly was paid to the earl. In the 45 Edward III. (1371) Prince Edward, as earl of Chester, granted various privileges to the burgesses of Macclesfield, with all liberties and free customs to the same belonging. And Edward III, granted "to our burgesses of Macclesfield that our vill of Macclesfield may be a free borough, and that our burgesses there may

have a guild mercatory in the same borough, with all liberties and free customs to that guild belonging, and that they may be quit through all Cheshire, as well by water as land, of toll, passage, pontage, stallage, lastage, and all other customs (except of salt in the wyches), and that they may have pasture and housbote and haybote in our forest," &c.— (Ormerod's *Cheshire*, vol. iii. p. 365.)

Enough has been cited from the earlier charters of neighbouring places to give a general idea of the nature of these grants, and what privileges and immunities they conferred on the burgesses, or freeholders of burgage tenements. It is somewhat remarkable that of the six Lancashire places, no two can be classed in the same category. Omitting further consideration of the four royal *parliamentary* boroughs as such — Preston, Liverpool, Lancaster and Wigan — we may state that in municipal character, Preston was a royal free borough, with a guild-merchant, still maintained, and governed by a mayor. Clithero was at first only a baronial borough, afterwards confirmed in its privileges by royal charters, and those privileges the largest of any Lancashire inland borough, being those of the then capital city of Chester. But Clithero was governed by a reeve, and from having no navigable river, could enjoy only a small portion of these extensive privileges. Lancaster was first chartered by an earl, then by a king, in the same person, John earl of Morton or Montaigne and king of England, — and it had in succession the privileges of two important places granted to it — Bristol and Northampton. It was a royal free borough, governed by a mayor. Liverpool was a royal free borough on the sea, with all the extensive privileges of the other ancient seaports, as London, Bristol, &c. It was governed by a mayor. Salford, though within the royal hundred or wapentake of that name, was chartered by its lord the earl of Chester, as a free borough, and governed by a reeve. Wigan is a manor, held not hereditarily, but by the rector for the time being in succession; and to one rector a king granted that it should be a borough, with a guild-merchant and hanse, &c. Stockport and Macclesfield were both

baronial boroughs, styled in their charters "free boroughs," but in all cases where the baronial charter is not subsequently confirmed by a royal charter, it is very doubtful whether these places were really raised to the dignity of boroughs, or whether they were legally more than market towns. This will be seen more fully when we come to examine the inquisition at Preston in 1359, as to whether Mamecestre really had the privileges of a borough town, or only those of a market town.

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